Commentary
April 1998

What Do Murderers Deserve?
David Gelernter

Saving the Environment from the Environmentalists
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Modernism With a Smile
Terry Teachout

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Chester E. Finn, Jr. • Hillel Halkin • Wendy Shalit
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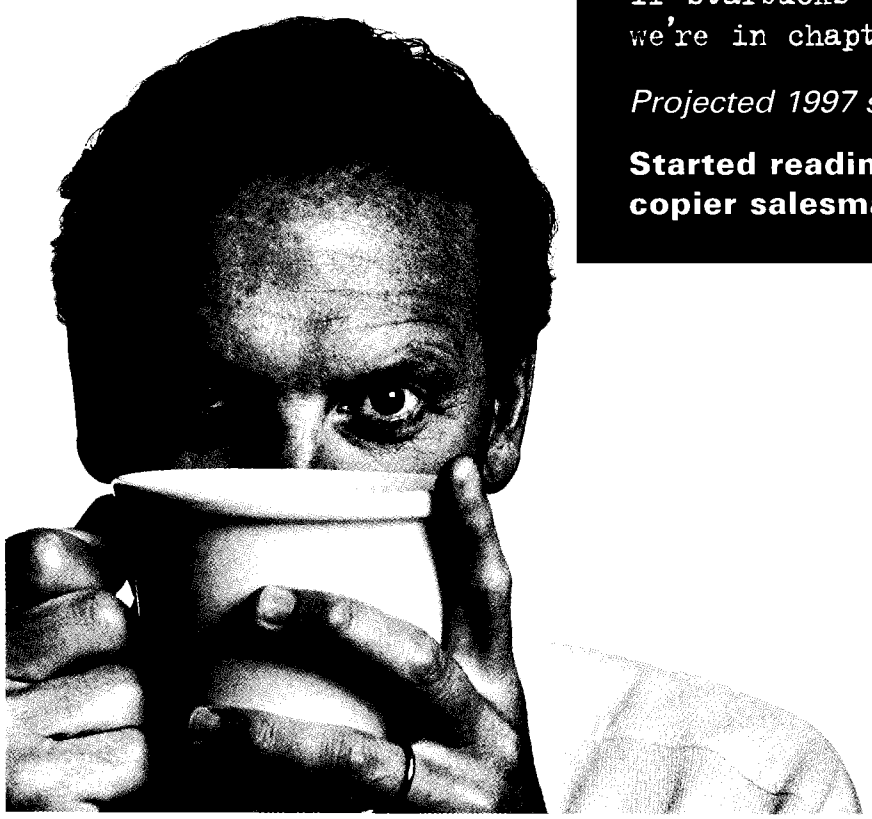

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Commentary
April 1998

Letters from Readers

Bill Gates's Fortune

To the Editor:

Hats off to Chester E. Finn, Jr. for his lucid and constructive article ["Giving It Away: An Open Letter to Bill Gates," January]. The points Mr. Finn raises, particularly on the need to honor donor intent, apply, of course, to all philanthropies. In fact, I found the article so insightful that I forwarded it to the trustees and staff of the various foundations I have established.

My associates and I have been diligent in our various philanthropic endeavors to ensure that our mission statements and legal framework cannot be tampered with, so that the examples Mr. Finn cites of what happened to Henry Ford and others will not happen to us.

I would like to close with a cautionary word for Bill Gates and other philanthropists, taken from a report of the Avi Chai Foundation: "The business of philanthropy is more complex and difficult, and in any event certainly more frustrating, than the business of business."

Zalman C. Bernstein
Chairman, Avi Chai Foundation
New York City

To the Editor:

Now the Right's doughty warriors of the pen have taken to tutoring Bill Gates and others like him on how to spend their money. The probability of their success is equivalent to that of a hunter shooting flying ducks with a slingshot. Here is why, based on my own personal experience: my Dad was a Bill Gates of his time. He was born in a Carolina town in 1886. Unable to afford much higher education, he contributed to the South's very substantial brain drain in those years by going North. By 1906, he was driving a streetcar in New York City when an uncle located him with news that his father's infant drug-wholesale business was approaching bankruptcy and he had better come home.

Realizing the hopelessness of wholesaling when few merchants in central North Carolina had credit to buy, he shifted to a single product his father had created. In those days only the druggists in the Republican hill country had credit, but there were no paved roads in the state and those in the mountains were little more than trails. So Dad sold his product off a horse's saddle bags in the hill country to the west. Eventually he was flush enough to afford a buggy and, more important, a mail-order course in advertising. He also acquired a rudimentary plant so his sisters could stop producing and packaging the product in the kitchen.

Around 1928, he listed his company on the New York Stock Exchange. In the 1920's, the firm opened markets in Europe and operated several plants in the U.S. Under his guidance, the company created a program in advertising and marketing that attracted top college graduates; many who took the course went on to become heads of competing drug firms and leading ad agencies. By 1960, the company was manufacturing an array of over-the-counter and prescription drugs in plants throughout the world.

What Mr. Finn and similar folks do not realize is what this kind of success does to the mind-set of such high achievers. Their instincts have been right at nearly every turn, whereas most business people are lucky if they are right only half the time. They have hired and fired top experts of all sorts and found most of them wrong on critical decisions. Such a record convinces men and women of this stripe that they can perform just as well at giving money away as they did at making it.

Dad knew many of the top industrialists, bankers, advertising geniuses, etc. of his time, and it was my priv-

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ilege to sit at table with these people. Most of them shared Dad's outlook. Although it eventually took some of them to disaster, the mindset I describe is real, and it needs to be understood by would-be tutors.

Don't weep, Mr. Finn, if Bill Gates uses your unread letter to light his evening fire.

R.R. RICHARDSON
Amagansett, New York

TO THE EDITOR:

The advice Chester E. Finn, Jr. gives to Bill Gates on what he should *not* do with his philanthropy deserves to be heeded. But his principal recommendation about what Gates *ought* to do, help the burgeoning "charter-school" movement, should be taken warily.

Since most of the money for charter schools will inevitably come from public funds, such schools are potentially yet another example of the kind of government-philanthropic "collaboration" that Mr. Finn rightly notes has so disappointed many well-meaning private donors. Indeed, the authority under which these schools operate ultimately rests not with the often-dedicated teachers who are creating them, let alone any philanthropists, but rather with the government agency that charters them. And while public funds come on the backs of the students who wish to attend the schools (and thus reflect parental choices rather than bureaucratic formulas that may not take instructional quality into account), our experience with other voucher-like programs, notably Medicare and Medicaid, shows that this device is no guarantee against government meddling.

Bill Gates might be better advised to join the growing ranks of philanthropists who are supporting scholarship programs that enable needy children to attend private schools. Although even with a substantial infusion of new money, the demand for such scholarships might exceed the number that can be offered, nonetheless, the donors can have more confidence that their gifts will be well-used.

LESLIE LENKOWSKY
Center on Philanthropy
Indiana University
Indianapolis, Indiana

TO THE EDITOR:

Chester E. Finn, Jr.'s concern with the biases of major foundations in their dispensation of largesse is well-taken, although it covers familiar territory in a not too balanced way. There are, after all, various smaller to middle-range foundations that have a clear conservative orientation.

But a more serious problem occurs when Mr. Finn chides Bill Gates for supporting United Way and for making large-scale gifts of computers and other electronic devices to schools and libraries. This strikes me as churlish. I find it a trifle brassy, or, as one might say, plain *chutzpah* to instruct a self-made billionaire in how to spend his money, on whom, and under what umbrella.

If Mr. Finn is displeased with the past pittances doled out by Bill Gates, he should by all means express himself, perhaps in a private letter or a grant proposal. But in a democracy, even the rich have the right to spend their money foolishly and as they see fit.

IRVING LOUIS HOROWITZ
Rutgers University
New Brunswick, New Jersey

TO THE EDITOR:

Chester E. Finn, Jr. offers persuasive reasons why results-driven foundation grants are preferable to the system we usually see in operation. As president of a fund-raising consulting firm, I can attest to the fact that, as Mr. Finn points out, political correctness, smugness, and self-justification have led to a wholesale waste of time and money so frequent that it is hardly remarked on, even by those of us in the profession.

But to grasp the full extent to which welfare-state indoctrination has moved philanthropy backward, it is crucial to understand that the two visionaries who created the modern foundation based their philanthropies on the philosophy that every grant must not only do some measurable good but involve commitment on the part of recipients.

Andrew Carnegie believed that libraries could provide a means to knowledge. He was prepared to pay for the construction of buildings, but not for their upkeep. Any community that wanted a Carnegie library had to pledge operating funds. No pledge, no grant. The result was 1,671 libraries throughout the country.

John D. Rockefeller's idea of bad philanthropy was the annual dinner for tramps at Cleveland's Five Points House of Industry. Such handouts appalled him. Instead, the approximately $600 million he donated, and the $400 million his son, John, Jr., gave away, paid for, among other things, the University of Chicago, the eradication of hookworm in the South, and the creation of the American health-care system. But the Rockefellers' gifts mandated commitments from students and members of the public, who not only had to agree to be educated but to put into practice what they had learned.

The two men who created the modern corporation (and subsequently the modern foundation) took something from that experience that profoundly influenced their ideas on philanthropy. They were apparently the first to appreciate the truth of what Peter Drucker would write years later: "For the ultimate test is not the beauty of the mission statement. The ultimate test is right action."

MILTON GOLDIN
Tarrytown, New York

CHESTER E. FINN, JR. writes:

Although this correspondence *about* Bill Gates does not (yet) include a note of thanks *from* him, several points deserve comment.

I would love to go duck hunting with R.R. Richardson, and he may select the weapon. I will even try a slingshot if, while I am missing the ducks, he will tell me more of the riveting saga of his father's career. The lessons he draws about the temperament and belief structures of highly successful entrepreneurs are also insightful, and I am willing to accept his assertion that most such folks do not take advice well. But neither do most fifteen-year-olds, and that does not stop parents (and other observers of their behavior) from proffering it. In any case, Zalman C. Bernstein's letter indicates that not all entrepreneurs and philanthropists resist advice. I thank him for his kind

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words and echo his remark about the difficulty of giving well.

Leslie Lenkowsky is right to note that charter schools are a species of public school, but they are also one of the most promising developments on the education-reform front, and philanthropists do not err by fostering them. Certainly it would be grand if Bill Gates and other donors were also to contribute generously to the burgeoning movement of privately-funded scholarships that help needy youngsters attend better schools. Such a program in Ohio is, in fact, the largest single recipient of funds from the small foundation that I head. But we are assisting charter schools, too. In the world of education, it is a mistake to place all one's bets on one reform.

As Irving Louis Horowitz knows, no essay could possibly interfere with the right of the wealthy to make mistakes with their money (or with their families, or in their eating habits or choice of movies). But why is it "brassy" to suggest ways of avoiding such mistakes and doing good? Bill Gates has shown himself to be a quick study when it comes to making money, taking in information, even borrowing from other people. Indeed, Microsoft's most profitable products were invented elsewhere. Gates's own genius has been in adapting the ideas of others into successful ventures. Why must he change that pattern when the time comes to focus on giving his money away?

Milton Goldin's observations about Carnegie and Rockefeller are keen, and accord in full with the recommendations of the National Commission on Philanthropy and Civic Renewal, on which I had the honor to serve. We, too, believe that the most effective giving is the kind that expects something from recipients.

Race and the Law Schools

TO THE EDITOR:

Stephan Thernstrom's arguments are based on a fundamental misunderstanding of how law-school admissions decisions are made ["The Scandal of the Law Schools," December 1997]. Admissions decisions, as I know from my experience as associate dean at the University of Southern California law school, are the result of a complex subjective process. Mr. Thernstrom overstates the importance and reliability of the numerical factors in the process, and he arbitrarily undervalues the less 5quantifiable subjective criteria.

Admissions decisions rely on carefully considered human judgments of subtle indicators of promise and ability. The evaluation of law-school applicants is not based on an artificially narrow, statistical definition of merit. Merit includes not only grades and standardized test scores, but also a variety of factors not easily quantified: writing ability; community involvement and work experience; letters of recommendation; special talents or abilities; reasons for attending law school; unusual career interests; prior graduate study; challenges met and disadvantages overcome; and many other factors.

Mr. Thernstrom suggests that our evaluation of individual human beings should be based on one or two numerical predictors of performance. That misplaced reliance on numerical predictors presumes that standardized tests have more validity than they actually possess—that they are better at predicting performance than the data support. In fact, standardized tests and undergraduate grades have limited predictive value; they are meaningful as predictors only when evaluated in the context of nonnumerical indicators apparent from a thorough review of each individual. The Law

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School Aptitude Test (LSAT) does not measure the full range of factors important to success in law school, nor is it a valid predictor of ability or of success as a lawyer.

Mr. Thernstrom mistakenly dismisses the value to legal education of diversity. He is wrong; diversity among law students does in fact improve the quality of legal education and helps produce better lawyers. Law school is interactive. Students learn not only from faculty; students encounter and learn from classmates whose backgrounds, experiences, and characteristics are different from their own. For example, a law student who has served in the military, who grew up in a foreign country, or who has been a police officer in a large urban area may have a perspective on issues of individual freedom and criminal procedure different from that of another law student who is a member of a small religious sect, or has struggled against racial prejudice, or was arrested in a civil-rights demonstration. If a classroom discussion focuses on the appropriate behavior of police officers and those detained during a traffic stop, the discussion would be far richer for everyone if students with all these different backgrounds and experiences participate.

Finally, Mr. Thernstrom dismisses the clear evidence that affirmative-action efforts in legal education have in fact been successful. At the University of Southern California law school, minority students are successful in the classroom and in law-school journals and moot-court programs; they are active contributors to—and fully engaged in—law-school communities. Our minority law graduates become leaders—as practicing lawyers in law firms, government agencies, and public-interest organizations; and as philanthropists, community activists, publishers, judges, elected officials, and law-school professors and deans. Their strong performance both in law school and afterward in the profession defeats the harmful stigma that Mr. Thernstrom incorrectly suggests is unavoidable. The evidence indicates clearly that he is wrong.

Most applicants to law school, whether minority or nonminority, want to attend a school that will prepare them for a variety of leadership roles. One fundamental concept students learn is how the law affects different people in different ways. Law students learn how to work together, how to exercise leadership to build consensus among people with different perspectives and backgrounds, and how to provide constructive and professional advice. A diverse student population enhances this aspect of legal education for all law students—and for their future clients as well.

ROBERT M. SALTZMAN
University of Southern California Law School
Los Angeles, California

TO THE EDITOR:

Stephan Thernstrom's "The Scandal of the Law Schools" proves a point that anyone with the slightest knowledge of law-school admissions has known for at least two decades: minorities are admitted to law school with significantly lower scores on the LSAT than whites. But this is far from a scandal. The law schools should be proud of what they have accomplished.

When I went to Harvard law school 40 years ago, there were almost no blacks in my class, there were no black professors, there were almost no black federal judges, there were virtually no blacks in major law firms or high government office. Blacks in the legal profession were overwhelmingly confined to small-time practice in the lowest state courts. That *was* a scandal.

There has been a revolution in the last 40 years. Blacks are found at all levels of the profession, albeit still not fully commensurate with their numbers in the general population. The top law schools have played a major role in this revolution by admitting and graduating blacks who, whatever their LSAT scores may have been, have demonstrated their ability to be leaders of the profession.

Mr. Thernstrom suggests that the right way to admit law students is to adhere slavishly to their LSAT scores. But this is not the way students are admitted to universities in the United States. Does anyone think that Harvard, my school as well as that of Mr. Thernstrom, considers only test scores when the children of big donors apply? Does anyone think that Stanford and Duke and Notre Dame do not take into account factors other than test scores when they are considering football running backs and seven-foot basketball centers? Why is it fine to accept students with considerably lower test scores for such trivial reasons but not in order to deal with what is probably this country's most serious social and moral problem?

Mr. Thernstrom is not willing to accept the consequences of his own position: that virtually total reliance on test scores will result in the exclusion of blacks from leadership roles in the legal profession and, if similar policies were followed in other universities, would return the United States to the days when blacks were hardly allowed to play any significant role in American society.

BRUCE J. TERRIS
Washington, D.C.

TO THE EDITOR:

Stephan Thernstrom does a beautiful job exposing the deceptions (both self-deceptions and public deceptions) practiced by defenders of racial preferences, but I wonder how much good such carefully-modulated exposés really do.

We have known for a long time that academic merit is being traduced in college and university admissions. What is new is that avatars of affirmative action are now defending their handiwork by trashing the very *idea* of merit. Thus we have Michael Sandel asking in the *New Republic* whether students with the highest academic achievement and promise deserve to be admitted. His answer is: "No, they don't." Any criteria of admission that are "reasonably related to a worthy social purpose" are acceptable. All the old, anti-intellectual canards about "cultural bias" and tests that "do not measure anything real" are once again trotted out, but this time with elite academic handlers.

What is needed, then, is not more exposure of these deceptions, but a powerful

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affirmation of the moral basis of the merit principle; an explanation of why that principle belongs in the American political creed of liberal individualism; of why the many decades of struggle it took to establish merit as the norm for acceptance and advancement in our society were worth it; and of why merit is the only alternative to tribalism.

In fact, defenders of color-blindness appear to be suffering from a serious rhetorical deficit. Hefty majorities of Americans oppose preferences but they lack the *language* and the arguments to articulate what they privately believe is right. They know the intimidation and bullying they can expect from the other side. After all, when Abigail Thernstrom, Mr. Thernstrom's wife and, along with her husband, perhaps the best-informed critic of affirmative action in the country, can be verbally mugged by the President of the United States on national TV with hardly anyone in the news media noticing that anything untoward has happened, what are the chances for ordinary people?

It is the task of the *rhetor*, as intellectual leader, to restructure the terms of a debate that is going badly—to provide new language, to sharpen arguments, and to raise the intensity of the exchange. We have already had plenty of distinguished reporting; what we need now is better rhetoric.

Why, for example, do we continue to allow preferences to be confused with civil rights? Color-blindness is the historical civil-rights position in America, and the fact that many leaders of minority interest groups have departed from this position over the last 30 years does not entitle them to take the term with them.

I realize I am guilty of criticizing Mr. Thernstrom for writing the piece he wrote rather than the one I would have liked him to write. But that is precisely the point: the expository mode of criticism—elegantly laying out what the diversity party has been up to, and letting it convict itself out of its own mouth with its own data—is inadequate to the political task of finishing off affirmative action. There is a timid giant of opposition to preferences out there; the task is finding the words to embolden it—to immunize it against the outrageous but debilitating charge of "racism," and to enable it to assert its rightful claim to the moral high ground in what is surely the most important domestic policy debate of our time.

RICHARD E. MORGAN
Department of Government and Legal Studies
Bowdoin College
Brunswick, Maine

TO THE EDITOR:

Stephan Thernstrom's discussion of "The Scandal of the Law Schools" is hardly news to those associated with legal education. Indeed, racial preferences appear to be *required* by the American Bar Association, the national accrediting body of the legal profession.

The problem, of course, is the perennial one of a shortage of highly qualified black applicants. As former Harvard Dean Erwin Griswold argued in 1978 in support of the *Regents of the University of California* v. *Bakke*, we can have color-blind, merit-based admissions or a proportionate black presence in legal education. We cannot have both. Mr. Thernstrom's confidence that this problem is subject to a "solution" through better academic preparation in the years of kindergarten through 12th grade seems misplaced. The failure of Head-Start programs, pursued for over 30 years and funded with ever-increasing billions of dollars does not support his optimism.

But those who believe as I do that racial preferences are profoundly wrong should realize that there are alternatives that are worse. Following the Court of Appeals ruling against preferences in the *Hopwood* case, in which the University of Texas law school was found

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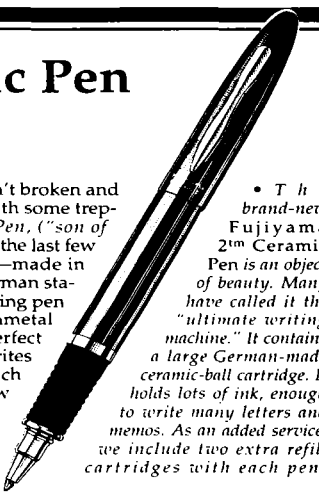

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to have discriminated in favor of black and Mexican-American students, Texas decided to admit the upper 10 percent of every high-school class to the state university automatically. Advocates of affirmative action in California have called for the elimination of the Scholastic Aptitude Test (SAT) for applicants to the University of California. The abandonment of the race-norming conventionally practiced in American higher education is not a blessing if it is to be followed by the abandonment of the principle of merit itself.

DAVID ROBINSON, JR.
George Washington University Law School
Washington, D.C.

TO THE EDITOR:

Stephan Thernstrom is to be congratulated on his superb description of the pernicious effects of racial preferences in law-school admissions. Nevertheless, one of his remarks requires further comment. He says that the reason the best-qualified black students fail disproportionately to attend law school after being admitted remains a mystery. But it is not a mystery—it is simply what an understanding of the economics of credentials would lead one to expect.

As Mr. Thernstrom points out, merely graduating from law school and (eventually) passing the bar exam are not marks of great distinction. What matters more is admission to a selective school in the first place. Although the precise details of the differences between white and black admissions criteria may not have been common knowledge, the approximate magnitude of the difference has been widely understood for the last quarter-century. If prospective employers and clients are aware that a graduate of a prestigious school was admitted under markedly inferior standards than others, that graduate will have a significantly devalued credential. The result of affirmative action, therefore, has been to create a parallel system of nominally equal but actually debased credentials for blacks. Of course, this holds not just for law schools but for diplomas in other fields from every major university.

Consider the top tier of black undergraduates, those who would be admitted to law school under a color-blind admission system. They would naturally have attractive career choices apart from law school. Given the difference in credential value, a legal education would be less valuable to this top tier of blacks, who have no practical way of demonstrating they would have been admitted solely on the basis of merit, than to comparable whites.

The dirty secret of affirmative action is that it makes legal careers relatively unattractive for the best-qualified blacks, fraudulently creates unrealistic expectations among less-qualified blacks, and generates a poisonous atmosphere between the races on campus.

JOHN L. MCCORMACK
New York City

STEPHAN THERNSTROM writes:

Robert M. Saltzman believes that law-school admissions officers do not make decisions on the basis of "an artificially narrow, statistical definition of merit," but take into account a "variety of factors not easily quantified." Apparently he believes that a candidate's undergraduate academic record and scores on the LSAT are of relatively incidental importance. In another publication, Mr. Saltzman recently went so far as to claim that "the notion that a student [who] is admitted on his [undergraduate grade-point average] and LSAT [only] . . . is more qualified [than another is] just nonsense." According to him, law schools do not care about "artificial predictors of performance," but judge the whole person.

This, I submit, is a thoroughly disingenuous description of current practice at the nation's selective law schools, all of which, the evidence shows, take objective measures of academic achievement very seriously indeed—except when they are evaluating candidates from "underrepresented" racial groups. Moreover, is it believable that there are hardly any white applicants with "writing ability; community involvement and work experience; . . . challenges met and overcome," or any of the other items on Mr. Saltzman's endless list, which in the case of the typical minority student are supposed to compensate for lackluster academic qualifications? Of course not.

This rhetoric about the use of "less quantifiable subjective criteria" is simply a cover for the use of racial double standards. No one, after all, is forcing the law schools to collect LSAT scores and undergraduate grades. If the University of Southern California law school really thinks that such numbers tell us nothing of value, it is very odd that the school still demands them.

Mr. Saltzman's discussion of the value of "diversity" in legal education also strikes me as disingenuous. He suggests that a student who, for example, served in the military or worked as a police officer or who belongs to a small religious sect adds something valuable to a law-school class. Arguably so, but no one is objecting to giving candidates for admission some boost on these grounds; neither the 1995 vote of the Regents of the University of California mandating color-blind admissions policies nor California's Proposition 209 banning affirmative-action hiring in the state limits the freedom of admissions officers to take such matters into account. What they did put an end to, and quite properly so, is defining diversity in exclusively racial and ethnic terms, and making admissions and hiring decisions on this basis.

Consider Cheryl Hopwood, the plaintiff in the *Hopwood* case: she is a young woman of working-class origins who would have contributed more to social-class diversity at the University of Texas law school than many black students from more affluent backgrounds who were chosen ahead of her despite their inferior academic qualifications. She also is the mother of a severely handicapped child, which would seem to give her a valuable perspective that might otherwise be underrepresented at the school. But the admissions officers at the University of Texas who rejected her were not truly interested in achieving diversity—their main objective was simply to increase the number of black and Hispanic students at the law school.

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I find it startling that Mr. Saltzman could charge that I "dismiss" the "clear evidence" that racially preferentially law-school admissions are "successful." In my article, I reviewed at considerable length the most extensive body of evidence ever assembled on this issue, data that include the vast majority of students who entered American law schools in the fall of 1991 and that yield much less optimistic conclusions than Mr. Saltzman's about the effects of such policies. It is therefore he, not I, who dismisses the only "clear evidence" currently available for inspection. He offers instead his personal assurance that preferentially admitted students do just splendidly at the University of Southern California law school. Perhaps, but I would be more inclined to take him at his word if it were not for the fact that University of Texas law-school officials made exactly the same soothing public assertions before *Hopwood* at precisely the same time that their internal correspondence revealed deep dismay at the poor performance of preferentially admitted African-Americans, both in the classroom and on the bar exam.

At this point let me note the results of the 1997 California bar exam, just released by the state bar association: 77 percent of white law-school graduates seeking entry into the California bar passed on their first attempt, as compared with 43 percent of African-Americans. Mr. Saltzman might be able to persuade me that his glowing claims about minority students at his own law school were true if he could demonstrate that this glaring racial gap does not hold for graduates of USC as well.

Bruce J. Terris may think that everyone "has known for at least two decades" that minorities were being admitted to law schools "with significantly lower scores on the LSAT than whites." The issue, first of all, is not LSAT scores alone; preferentially admitted students have dramatically weaker college grades as well. Moreover, contrary to Mr. Terris's contention, these facts were successfully concealed from the general public until recently. In my article, I noted that when Timothy Maguire, a law student at Georgetown University, released evidence in 1991 indicating that racial double standards were being employed at his school, the charge was vigorously denied by the legal establishment. It is now incontestable, however, that the racial gap is far larger than the proponents of preferences have ever admitted. And, as my article demonstrated, it is sentimental nonsense to think that GPA's and test scores do not matter: they affect who survives law school and who ends up with a diploma, and they very dramatically affect who passes the bar exam.

Many schools give admission preferences to star athletes, so why not do the same for black and Hispanic students, as Mr. Terris suggests? President Clinton also made this argument when he met with me and other critics of racial preferences at the White House in December. If Mr. Terris knows of any law school that favors applicants who have displayed greater excellence on the football field than in the classroom, I would be interested to hear of it. Furthermore, race has properly been considered a "suspect" category in American constitutional law for more than a half-century, which has never been the case for athletic status. And anyone who has contemplated the position of athletes on many of our campuses will realize that double standards for sports have created a socially isolated academic underclass whose members concentrate on Mickey Mouse fields and often flunk out.

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The resulting stereotypes of "dumb jocks" are bad enough, but the stereotypes of "dumb blacks" that are created by lowering admissions standards on racial grounds are obviously far more pernicious.

I do not believe Mr. Terris is correct in predicting that without strong racial preferences we will return to the Bad Old Days when hardly any blacks were to be found in elite institutions of higher learning. The overall educational, economic, and social level of the black population has improved very dramatically in the 40 years since he attended law school. A majority of blacks in those days were still living in the South under the blighting influence of Jim Crow laws and customs. But that day is long past. Does Mr. Terris believe that African-American students will never be able to keep up with whites in any intellectual competition? Such paternalism is rooted in a pessimism about black capabilities that I do not share.

Richard E. Morgan and I are on the same wavelength, but I am a bit more optimistic than he is. I do not think he is right in saying that the news media were not sufficiently offended by the President's attempt to mug my wife Abigail at the televised "town-meeting" on race in Akron, Ohio. We think this ploy was quite counterproductive for him, and actually gave our views more publicity than we had anticipated. I also feel increasing optimism about the progress we are making in raising public awareness of the distinction between racial preferences and the original conception of affirmative action as an effort to broaden the search for and expand the pool of qualified candidates.

David Robinson, Jr. is right that employing color-blind, merit-based admissions policies will not lead to a "proportionate black presence in legal education," at least in the short run. But not many Americans outside the chattering class endorse the ideal of proportional representation for blacks and other groups in professional schools or in the professions themselves.

Although, as Mr. Robinson points out, the abolition of preferences in higher education in California has led to demands for abolishing the use of SAT's and even for admission by lot, I doubt that these notions are going anywhere. They have gotten a good bit of press, but I am willing to bet that the faculty at the University of California will successfully resist any changes in admissions policy that will make the student bodies at Berkeley or UCLA indistinguishable from those at California State at Fullerton. And if many poorly qualified students enter the University of Texas and flounder as a result of the new top-10-percent admissions scheme, I expect that the result will not be a further retreat from meritocracy but a renewed commitment to it and a backing away from this unfortunate idea.

John L. McCormack's hypothesis about how preferential-admissions policies serve to debase the credentials of blacks sounds plausible. But does he think that a black graduate of the Harvard or Stanford law school will earn a lower starting salary this year than a white from the same school because employers recognize that the former was probably admitted under a lower standard? I doubt it. So, before we can accept Mr. McCormack's thesis, I think we need to have some empirical evidence to back it up.

Anti-Semitism

TO THE EDITOR:

Since I disagree with Robert S. Wistrich's approach to anti-Semitism and make my disagreements known in the opening pages of my book, *Esau's Tears*, I hardly expected to get a favorable review from him [Books in Review, January]. I did hope for an effort at scholarly balance in this inevitably emotional arena, and some recognition that we are both striving to understand the blight of Jew-hatred. Instead, I found my book violently attacked as "deeply pernicious," "profoundly biased," and "ignominious." His review grossly misrepresents and caricatures what is in my book, in ways that would take many pages to expose adequately.

I by no means argue that Jews are "largely responsible" for the hatreds they have so often encountered. I recognize that hatred of Jews emerges from the world view of the Jew-haters and that world view is to be understood as primarily responsible for it. My point—and it is hardly one that has not been suggested before by reputable scholars—is simply that real Jews, not fantasies about them, had something to do with the particular and quite diverse forms of hatred that developed in each country.

Since Jews differed so notably from country to country, they need to be carefully examined in each instance and over time, not assumed to be some facilely conceived entity or essence—so, too, with hatred of them. That Jews were "rising," in the myriad and not easily summarized ways explored in my book, had something to do with the hatred expressed for them, but, again, I emphasize that there are no simple causal relationships; in some areas, such as Hungary, Italy, or the United States, rising Jews encountered relatively little hostility and relatively much acceptance. To state the obvious, one cannot blame the Jews for rising, but that rise helps to explain—though is not the primary cause of—the hostility they encountered.

Mr. Wistrich repeatedly wrenches out of context what I write, twists my meaning, and attributes to me the words of others. It is not Lindemann who says the Jews in Romania had "inferior morals" but Prince Carol. I did not write that the Romanians were "the most tolerant of all Christian peoples"; those were, again, the rather pathetic words of their isolated defenders. I set down my own conclusions—which Mr. Wistrich chose not to quote—after noting that many observers believed the Jews of Romania and the native Romanians deserved one another ("each country gets the Jews it deserves"); I wrote that

> a more justifiable and less cruel formulation would have been that when poor and oppressed people are thrown together under unfavorable circumstances, it should surprise no one that they do not get along

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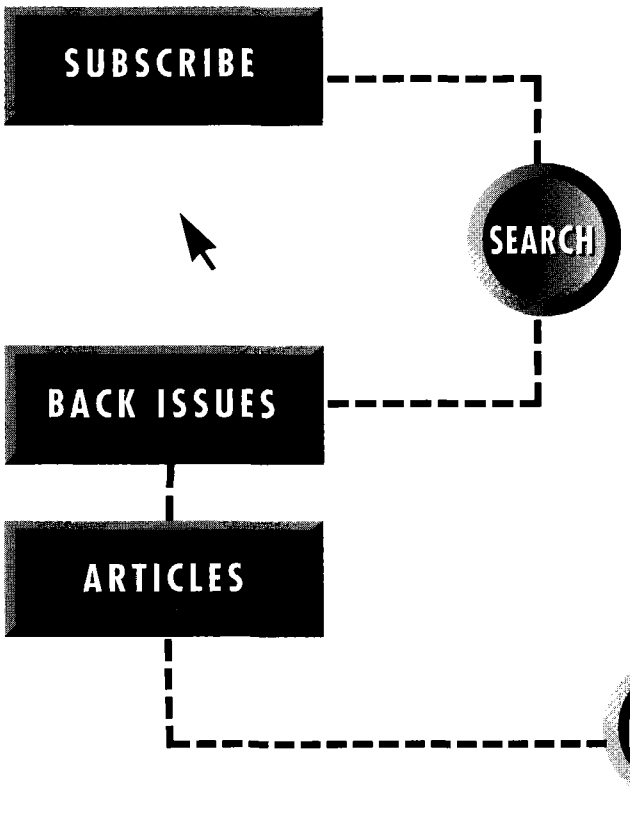

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or that they appear morally corrupt to those whose material circumstances are happier.

I repeatedly emphasize in my book that it is important not to demonize the Jews, but it is also important to avoid demonizing other peoples.

Mr. Wistrich quotes me as reporting that after the Kishinev pogrom "Jews exaggerated and falsified the numbers of their dead," while my words were that "as even a friendly American reporter wrote, some of the atrocities reported did not occur" and the numbers of dead first reported were exaggerated (which was eventually recognized by all observers). But most of those atrocities were real enough, and I describe them, as well as the efforts of the czarist regime to deny or cover them up.

Mr. Wistrich quotes me as writing "that Jews were a power in the world." He neglects to cite the many places where I emphasize that recognizing limited Jewish influence and power in given situations is not the same as agreeing with anti-Semitic fantasies about Jewish aspirations to control the world. The notion of the utter powerlessness of Jews, on the one hand, and a demonically conceived notion of great Jewish power, on the other, may be seen as two poles. There is much room in between for more realistic and complex assessments.

Mr. Wistrich brings his review to a close by describing it as "appalling" that Cambridge University Press (CUP) has put its "distinguished imprint on so biased and ignominious a work." CUP did so after careful editorial examination of the text and consulting three recognized scholars. One of them (their comments were communicated to me but not their names) wrote that he was "very enthusiastic about this [manuscript], and [has] . . . no hesitation about recommending its publication." He went on to praise its "nuanced and careful analysis," its "sophisticated and plausible explanations." Another described the manuscript as "beautifully written," never "falling into the trap of 'blaming the victim.'"

My university, similarly, in its recent career review of my work, asked five internationally distinguished scholars to comment on *Esau's Tears*, as well as on *The Jew Accused*, my previous book (containing most of the interpretations that so offend Mr. Wistrich, and widely and positively reviewed in both scholarly and popular journals). All five reviewers (again, their names were not provided to me) were enthusiastic in support of both books.

Mr. Wistrich has sought, with poisonous extravagance, to discredit my book and defame me as a scholar. I make no apologies about writing a provocative book, one that questions many familiar interpretations and will raise hackles in some quarters—is this not what scholarship is supposed to be about? I hope potential readers will not be prejudiced against the book because of this wildly misleading review. It is a little sad to see a man of such talent and accomplishments so lose control of himself and of a sense of measure. I think he will find that he has succeeded in discrediting not my book but himself, his scholarly judgment, and his professional reputation.

ALBERT S. LINDEMANN
University of California
Santa Barbara, California

TO THE EDITOR:

I am writing to register my amazement at the review by Robert Wistrich of Albert S. Lindemann's *Esau's Tears*, a book I read in manuscript and in its finished form. I cannot explain this renowned scholar's consistent misreading of Lindemann's motives and content or his intemperate language. The last rational thing the reviewer has to say appears in the third paragraph: "Jews have interacted with their persecutors in complicated ways." This is the subject of Lindemann's book, a subject which is treated respectfully, always knowledgeably, sometimes persuasively and sometimes not.

Lindemann, in the company of Hannah Arendt, Jacob Katz, and many others, does not accept the comforting but fallacious notion that Jews have had nothing to do with the generation of anti-Semitism. That he should have the anathema pronounced upon him for daring to ask questions that Mr. Wistrich finds "deeply pernicious" or arriving at answers that he deems "ignominious" is shameful arrogance in a reviewer. Attributing direct quotations from anti-Semites to Lindemann himself is unforgivable.

Was there ever such a book written by an established scholar and published by a prestigious press that had not a single saving grace, nothing to recommend it, no useful information despite its alleged interpretive shortcomings? When I read a review like this I suspect a vendetta, some personal grudge being settled in a most unseemly fashion. Even if it is nothing of the kind, a review this one-sided ought to awaken the darkest suspicions. And I hope it does so among readers in whom a sense of fair play still lives and who will now want to read the book before consigning it to the flames. Those who do will learn much.

RICHARD S. LEVY
University of Illinois
Chicago, Illinois

TO THE EDITOR:

Robert S. Wistrich's review is a disgrace. He vilifies a respected and careful scholar because, along with many Jewish observers, he is unwilling to acknowledge the challenge posed by Jews and Judaism to Christian peoples.

Mr. Wistrich is unwilling to contend with facts like the following: Christians have perceived Jews as the mortal enemies of the Christian faith and have seen every development toward secularism, moral relativism, scientism, and irreligion as directly or indirectly the work of Jews, particularly secular Jews. The work of Marx and Freud is seen, not without some justification, as the secular continuation of the rabbinic assault on Christianity begun with the expulsion of Jewish-Christians from the synagogues at the end of the 1st century C.E. The emancipation of the Jews and their acquisition of citizenship, from 1789 on, was the most important cause of modern anti-Semitism. Christians doubted and some still doubt whether citizens can coexist who share no fundamental religious commonality. Even secular

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ex-Christian societies may still believe in the sacral, sacramental basis of the community. Instead of emphasizing the woes of Jews, why should we not stress that they survived as aliens and outcasts in Christendom only because of the sometimes but not always effective restraints of Christian faith?

In France, whose history I know best, Jews were identified with the separation of church and state, the purging of Catholics from the government of the Republic, the legalization of divorce, and the other accomplishments of the godless Republic. During the Restoration, Louis de Bonald held that Jews could not become French citizens without consequences, and he was probably right in the eyes of Catholic believers. Nonpracticing Catholic Frenchmen were still in some sense Catholic while nonpracticing Jews were still Jews, hence not Frenchmen.

If Mr. Wistrich were honest about these matters, he might shed light instead of heat on the troublesome history of anti-Semitism.

NORMAN RAVITCH
University of California
Riverside, California

TO THE EDITOR:

In his review of Albert S. Lindemann's *Esau's Tears*, Robert S. Wistrich tells the truth about a bad and even dangerous book. For that very reason, Mr. Wistrich should brace himself. If my own experience is any precedent, he is almost certain to be attacked by Lindemann and his henchmen. They will accuse him of "misrepresentation" and "distortion," of being too "aggressive," of not adopting a proper scholarly "tone." All of these accusations were leveled against me when I publicly challenged several of Lindemann's more outrageous claims.

Late last year, in an Internet discussion group dedicated to the history of anti-Semitism, Lindemann announced that "traditional, Talmud-based Judaism is vulnerable to the charge" of racism. According to Lindemann, "it is not only Nazis who have used the term '*Mischling*' [mixed-race]; Orthodox Jewish commentary uses it, too." Since Judaism "defines Jewishness in terms of physical descent, not belief," he wrote, Orthodox commentators refer to "half-Jews" as "*Mischlinge*." Although he cited no context whatsoever for this assertion, he warned that such dogmas are "easily confused with racist notions."

On no fewer than four separate occasions, Lindemann was at pains to stipulate that *he* does not "equate Orthodox concepts of descent with Nazi or other racist concepts," but, he went on, "many might conclude" that such a similarity exists. Since he did not cite a single person who draws this parallel, one must ask why he felt compelled to defend Judaism so passionately against a charge that only he was making. Lindemann's characteristic technique here and elsewhere is to disavow an accusation and then make it anyway.

Lindemann also cautioned readers against "the emotional, at times almost Pavlovian response that any resemblance between racism and traditional Judaism must be the result of 'ignorant fantasies.'" Here he was misquoting me. I had pointed out that, on the evidence of his remarks about Jewish law, he was appallingly ignorant of the Talmud, rabbinical Judaism, medieval commentaries, and modern Orthodox thinking outside of newspaper accounts.

In fact, Lindemann's characterizations of Judaism *are* more like fantasies than historical accounts. He claims, for instance, that "[t]he Old Testament is replete with talk of capital punishment, and it would thus be natural to conclude that Jews have favored it." When informed that the ancient rabbis hedged capital punishment with so many restrictions that it became a practical impossibility, Lindemann countered with more recent "evidence": "Adolf Eichmann was put to death in Israel" and Baruch Goldstein gunned down Muslims at prayer in the Tomb of the Patriarchs "on the basis of his reading of Holy Writ and its interpretation by observant rabbis." One need hardly point out that Eichmann, in a ruling unique in Israel's history, was executed for crimes committed against the Jewish people, or that Baruch Goldstein's act was not that of one dispensing capital punishment but of a murderer and a madman.

Although he hotly denies it, statements like these form a pattern of basic hostility to Orthodox Judaism on Lindemann's part. Consider the following remarks he has made in the Internet debates on anti-Semitism:

> [H]atred and vilification [between Lubavitcher and Satmar Hasidim typify] the contentiousness, the breathtaking hostility, the self-righteousness—and indeed the inability to view the Other sympathetically—of the many Orthodox or ultra-Orthodox sects in Israel and the United States.

> [T]he words and actions of leading Orthodox Jewish spokesmen and organizations of Orthodox Jews have played a very important role in the escalation of hostility that Jews as a whole have encountered from black Americans. . . . It has not been ignorant fantasies about Orthodox Jews in the political arena but rather quite documentable realities, involving both content and style, that have played a significant role in worsening black-Jewish relations. Black anti-Semitism, to put it in plain words, is partly understandable in terms of words and actions by prominent Jewish spokesmen, above all those representing Orthodox Jews.

Mr. Wistrich concludes his review by lamenting that so distinguished a publisher as Cambridge University Press has lent its imprint to so undistinguished a book. The fact that Lindemann is a professor of history at the University of California, Santa Barbara, whose courses include one entitled "Anti-Semite and Jew," is perhaps even more troubling.

D.G. MYERS
Texas A & M University
College Station, Texas

ROBERT S. WISTRICH writes:

Reading Albert S. Lindemann's book was a painful experience. Replying to his letter is a no less thankless task.

First, let me note that I did not attribute to him the

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absurd remark of which he complains; I wrote that in his book Mr. Lindemann "cites one source testifying that the Romanians were 'the most tolerant of all Christian peoples.'" That source is none other than the first king of Romania, Prince Carol.

In his letter, Mr. Lindemann grudgingly concedes that "hatred of Jews emerges from the world view of the Jew-haters," but then quickly backtracks to his main thesis that "real Jews, and not fantasies about them, had something to do" with the hatred directed against them. So, too, the fact that Jews were "rising" had "something to do" with anti-Semitism—only Mr. Lindemann is not prepared to tell us precisely what that something might be. In his book, he is much less shy about all this, while at the same time covering himself by hiding behind the quotations of others in the manner tellingly described by D.G. Myers.

In his discussion in *Esau's Tears* of modern German anti-Semitism, for example, Mr. Lindemann claims, without citing any evidence, that a "steady stream of insults and withering criticism [was] directed at Germans by Jews in their midst." A prime culprit here, for him, was the great 19th-century Jewish historian Heinrich Graetz, whom Mr. Lindemann blasts for being "stunningly offensive to German sensibilities of the time" and for allegedly believing in Jewish racial superiority. (The poet Heinrich Heine is similarly charged, again without proof.) By contrast, Graetz's antagonist, the Prussian historian Heinrich von Treitschke, has, according to Mr. Lindemann, been treated too harshly. This, of the man who coined the notorious slogan, "The Jews are our misfortune"—so beloved by the Nazis—and who exerted a baleful anti-Jewish influence on generations of professors and students. But never mind: even-handedness *à la* Lindemann demands that Treitschke be judged more "generous" than Graetz.

Wherever possible, Mr. Lindemann ignores or trivializes German racist anti-Semitism while highlighting so-called "Jewish racism," from the Bible and the Talmud to modern Jewry and the state of Israel. Thus, major figures in pre-Nazi Germany like Richard Wagner, Eugen Dühring, Paul de Lagarde, and Theodor Fritsch are barely mentioned, but Benjamin Disraeli, the English Prime Minister, is discussed at length as a definitive racist and treated as if he were an authentic representative of Jews and Judaism, though he had been baptized as a child and was almost completely ignorant of the Jewish religion and of Jewish life generally. It is surely no accident that anti-Semitic and Nazi authors also cited the "evidence" provided by Disraeli's writings to support their own racist delusions about the Jews.

Despite his denials, there is a clear pattern in Mr. Lindemann's book of whitewashing or finding spurious justifications for anti-Semitic leaders in Central Europe who were, he implies, only responding to unseemly Jewish behavior or alleged Jewish "domination" of the economy, the press, politics, and culture. This pattern is evident in his discussion of such notorious anti-Semites as Adolf Stoecker, Karl von Vogelsang, and Karl Lueger, the mayor of Vienna who was the young Hitler's first political role model. Lueger is presented in the best possible light, while the liberal Jewish-owned paper, the *Neue Freie Presse*, is depicted as having "mordantly mocked and derided the common man in Vienna and in Austria more generally."

Even more troubling is Mr. Lindemann's use of an ugly anti-Semitic term like "jewification" to describe the alleged Jewish preponderance over German-speaking culture in Central Europe. ("Leading German Jews in Vienna," writes Mr. Lindemann, "look[ed] to a jewification of the non-Jewish world.") When one juxtaposes this sort of thing with his startling assertion that before the mid-1930's Hitler was a "moderate" on the "Jewish question," one sees quite clearly what "balance" really means to Mr. Lindemann.

Things get no better when we come to France. By his own admission, in this section of his book (and in the Russian chapters as well) Mr. Lindemann has recycled substantial chunks of his earlier work, *The Jew Accused*. They do not improve on second reading: we get the same catalogue of false symmetries between Jews and anti-Semites, the same innuendoes, the same straw men, and the same game of provocation for its own sake. Thus, the myth of a world Jewish conspiracy is partly blamed on the "real" secretiveness of influential Jews, and Jewish culprits in French economic scandals of the late 19th century are singled out for attention while non-Jews, who were far more numerous in these scandals, are never mentioned. For example, according to Mr. Lindemann, the Panama Scandal of 1888-92 seemed to confirm that "the Republic was in the clutches of corrupt Jews who were bringing dishonor and disaster to France"—a belief certainly held by anti-Semites but lacking any factual basis whatsoever.

It is revealing that, when dealing with French anti-Semites like Alphonse de Toussenel, Edouard Drumont, and Maurice Barrès, Mr. Lindemann carefully removes the irrational and bigoted sting from their writings. Moreover, he manages to avoid any discussion of the virulent nationalist anti-Semitism of Charles Maurras and the *Action Française*—an amazing omission by any standard. No less significant is the minimal role he assigns to *fin-de-siècle* French Catholic anti-Semitism, recognized by virtually every serious historian as a major force at the time.

Typical of Mr. Lindemann's "provocative" approach is his treatment of the Dreyfus case. Here, among other things, he describes Emile Zola, one of the most courageous French opponents of anti-Semitism, as having written "vicious things" about the Jews. Zola's *J'Accuse* (whose centenary is currently being celebrated) is senselessly demeaned as a "reckless and false accusation." As for Dreyfus, his unattractive character traits, rather than the fact of his Jewishness, are what is held by Mr. Lindemann to have been responsible for his arrest. Finally, to add icing to the cake, Mr. Lindemann charges that the impact of the

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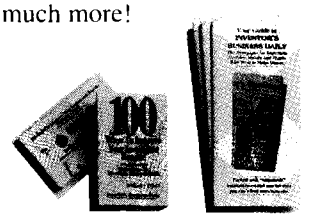

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Dreyfus case has been "exaggerated," because it fits in with various "political agendas, particularly those Zionist interpretations of modern history that emphasize European decadence, ineradicable Jew-hatred, Jewish self-hatred, and the need for Jews to leave Europe."

The only chapters in which Mr. Lindemann does show some balance are those devoted to Britain and America (with a side glance at Hungary). As he acknowledges in his letter, in these countries "rising Jews encountered relatively little hostility and relatively much acceptance." What he fails to see is that these examples totally demolish his thesis that anti-Semitism is the response to a "real" threat posed by the "rise of the Jews."

Rather than dealing with the arguments set forth in my review, Mr. Lindemann self-indulgently quotes anonymous referees of his book who praise it for its "sophistication" and describe it as "beautifully written." (I confess that I could find no basis in his book or in his letter for either assertion.) At a loss for serious discussion, he is reduced to attributing my critique to obscure personal motives. In this he is seconded by Richard S. Levy, who suggests (without a shred of evidence) that there must be some kind of personal vendetta, secret grudge, or perhaps something more sinister behind my review. Whatever may have prompted Mr. Levy's "darkest suspicions" is between him and his conscience. My own is clean. I do not know Mr. Lindemann personally, I have never previously clashed with him, and I did not seek out the dubious privilege of reviewing his book.

Mr. Levy has nothing of substance to say in his exercise in personal vilification. His comparison of Mr. Lindemann with Jacob Katz is an insult to that distinguished scholar of Jewish history. His mention of Hannah Arendt is slightly closer to the mark, given her propensity for using anti-Semitic sources and accepting negative Jewish stereotypes in an uncritical way. Hannah Arendt had a powerful mind, but few historians today accept her analysis of anti-Semitism.

Norman Ravitch's letter is striking less for its abusive tone than for the way it unconsciously illustrates the arguments set forth in my review. Mr. Ravitch seems to be mainly preoccupied with rationalizing Christian prejudice against Jews, a subject on which Mr. Lindemann is deafeningly silent. To neither of these scholars is the anti-Judaism of the church fathers, the bigotry of priests, or the popular anti-Jewish demonology of the Middle Ages of any relevance. Neither Mr. Lindemann nor Mr. Ravitch feels the need to discuss the entrenched Christian view of the Jews as a deicidal people, as agents of the devil, usurers, sorcerers, and blasphemers. Nor do they even so much as hint at the massive Christian defamation of the Jewish people over the centuries.

Instead, Mr. Ravitch ramblingly regurgitates a string of malignant clichés, drawing a straight line from "the rabbinic assault on Christianity" (whatever that may mean) to Marx and Freud; locating (in an echo of 19th-century Catholic reactionaries) the prime cause of modern anti-Semitism in the French revolutionary emancipation of the Jews; and holding the Jews responsible for all the evils of secularism, moral relativism, and atheism. Most shocking of all is Mr. Ravitch's suggestion that Jews should forget their "woes" (a nice euphemism for being defamed, demonized, massacred, and expelled), gratefully recognize the "restraints" of Christian faith, thanks to which they "survived as aliens and outcasts in Christendom," and face the truth that their otherness is invariably a provocation to the majority religion. If this were to constitute our idea of progress, one would shudder for the future of Jewish-Christian relations.

Albert S. Lindemann entitled his book *Esau's Tears* in order to underline his obsessively reiterated point that Gentile enmity to the Jews is very tangibly connected to the misdeeds of Jacob/Israel. Presumably these Gentile tears will not stop flowing until the Jews reform themselves, stop complaining about the suffering they have endured, and instead apologize for the pain they have caused, or possibly disappear as a distinct entity with its own religious and cultural values. This is not a new or particularly original thesis, but rather a standard contention of anti-Semitic literature.

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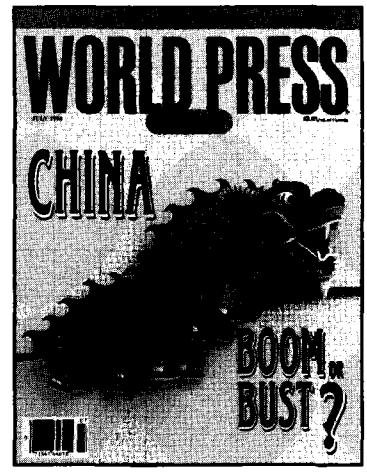

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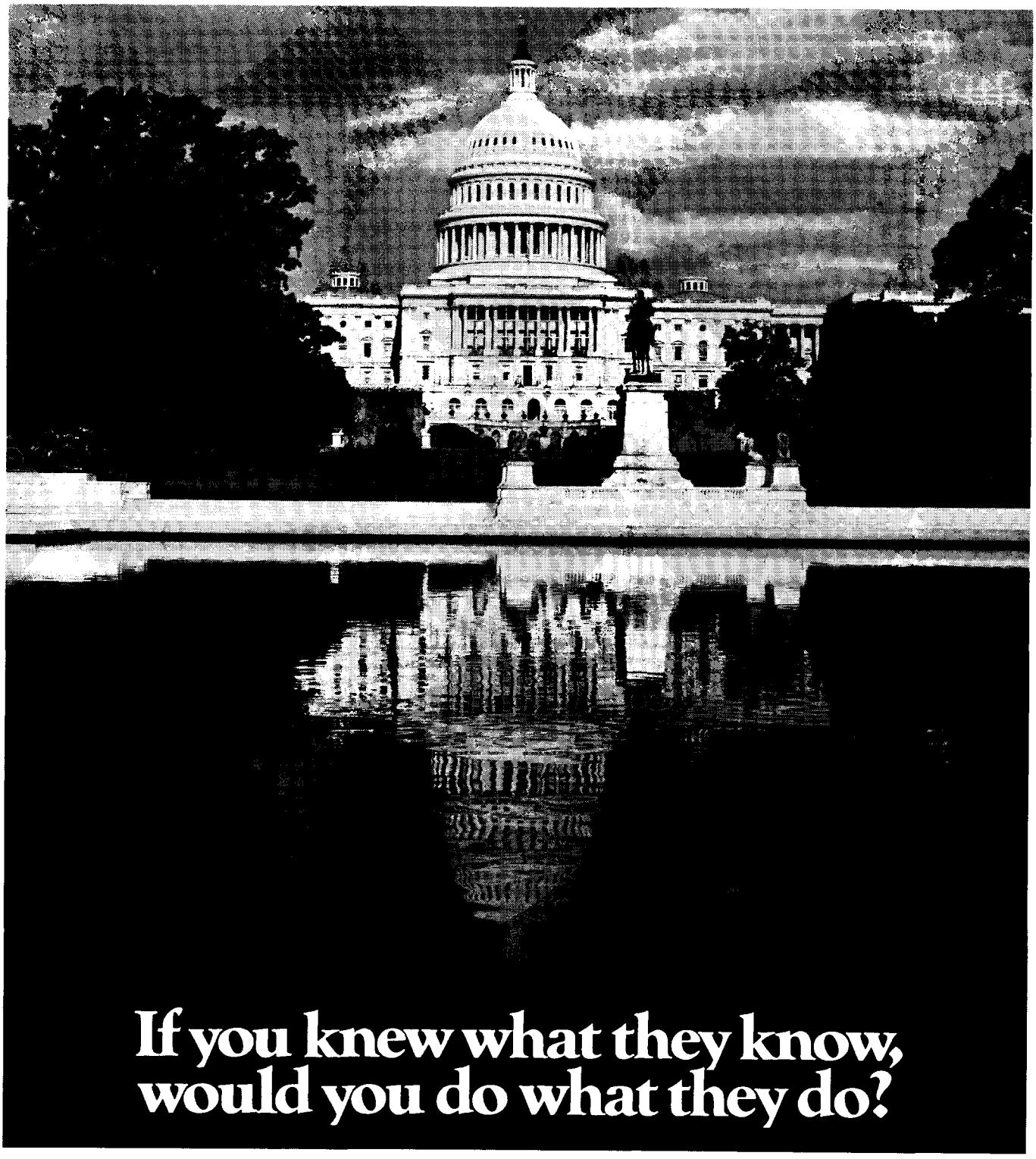

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Commentary
April 1998

What Do Murderers Deserve?

David Gelernter

No civilized nation ever takes the death penalty for granted; two recent cases force us to consider it yet again. A Texas woman, Karla Faye Tucker, murdered two people with a pickaxe, was said to have repented in prison, and was put to death. A Montana man, Theodore Kaczynski, murdered three people with mail bombs, did not repent, and struck a bargain with the Justice Department; he pleaded guilty and will not be executed. (He also attempted to murder others and succeeded in wounding some, myself included.) Why did we execute the penitent and spare the impenitent? However we answer this question, we surely have a duty to ask it.

And we ask it—I do, anyway—with a sinking feeling, because in modern America, moral upside-downness is a specialty of the house. To eliminate race prejudice we discriminate by race. We promote the cultural assimilation of immigrant children by denying them schooling in English. We throw honest citizens in jail for child abuse, relying on testimony so phony any child could see through it. Orgasm studies are okay in public high schools but the Ten Commandments are not. We make a point of admiring manly women and womanly men. None of which has anything to do with capital punishment directly, but it all obliges us to approach any question about morality in modern America in the larger context of this country's desperate confusion about elementary distinctions.

Why execute murderers? To deter? To avenge? Supporters of the death penalty often give the first answer, opponents the second. But neither can be the whole truth. If our main goal were deterring crime, we would insist on public executions—which are not on the political agenda, and not an item that many Americans are interested in promoting. If our main goal were vengeance, we would allow the grieving parties to decide the murderer's fate; if the victim had no family or friends to feel vengeful on his behalf, we would call the whole thing off.

In fact, we execute murderers in order to make a communal proclamation: that murder is intolerable. A deliberate murderer embodies evil so terrible that it defiles the community. Thus the late social philosopher Robert Nisbet: "Until a catharsis has been effected through trial, through the finding of guilt and then punishment, the community is anxious, fearful, apprehensive, and above all, contaminated."

Individual citizens have a right and sometimes a duty to speak. A community has the right, too, and

David Gelernter, *a professor of computer science at Yale, was letter-bombed in June 1993 and nearly lost his life. He is the author, most recently, of* Drawing Life: Surviving the Unabomber *(Free Press) and* Machine Beauty: Elegance and the Heart of Technology *(Basic Books). He is currently at work on a novel, portions of which have been appearing in* Commentary *(August 1997 and January 1998).*

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sometimes the duty. The community certifies births and deaths, creates marriages, educates children, fights invaders. In laws, deeds, and ceremonies it lays down the boundary lines of civilized life, lines that are constantly getting scuffed and needing renewal.

When a murder takes place, the community is obliged, whether it feels like it or not, to clear its throat and step up to the microphone. Every murder demands a communal response. Among possible responses, the death penalty is uniquely powerful because it is permanent and can never be retracted or overturned. An execution forces the community to assume forever the burden of moral certainty; it is a form of absolute speech that allows no waffling or equivocation. Deliberate murder, the community announces, is absolutely evil and absolutely intolerable, period.

OF COURSE, we could make the same point less emphatically if we wanted to—for example, by locking up murderers for life (as we sometimes do). The question then becomes: is the death penalty overdoing it? Should we make a less forceful proclamation instead?

The answer might be yes if we were a community in which murder was a shocking anomaly and thus in effect a solved problem. But we are not. Our big cities are full of murderers at large. "One can guesstimate," writes the criminologist and political scientist John J. DiIulio, Jr., "that we are nearing or may already have passed the day when 500,000 murderers, convicted and undetected, are living in American society."

DiIulio's statistics show an approach to murder so casual as to be depraved. We are reverting to a pre-civilized state of nature. Our natural bent in the face of murder is not to avenge the crime but to shrug it off, except in those rare cases when our own near and dear are involved. (And even then, it depends.)

This is an old story. Cain murders Abel and is brought in for questioning: where is Abel, your brother? The suspect's response: how should I know? "What *am* I, my brother's keeper?" It is one of the very first statements attributed to mankind in the Bible; voiced here by an interested party, it nonetheless expresses a powerful and universal inclination. Why mess in other people's problems? And murder is always, in the most immediate sense, someone else's problem, because the injured party is dead.

Murder in primitive societies called for a private settling of scores. The community as a whole stayed out of it. For murder to count, as it does in the Bible, as a crime not merely against one man but against the whole community and against God—that was a moral triumph that is still basic to our integrity, and that is never to be taken for granted. By executing murderers, the community reaffirms this moral understanding by restating the truth that absolute evil exists and must be punished.

GRANTED (some people say), the death penalty is a communal proclamation; it is nevertheless an incoherent one. If our goal is to affirm that human life is more precious than anything else, how can we make such a declaration by destroying life?

But declaring that human life is more precious than anything else is not our goal in imposing the death penalty. Nor is the proposition true. The founding fathers pledged their lives (and fortunes and sacred honor) to the cause of freedom; Americans have traditionally believed that some things are more precious than life. ("Living in a sanitary age, we are getting so we place too high a value on human life—which rightfully must always come second to human ideas." Thus E.B. White in 1938, pondering the Munich pact ensuring "peace in our time" between the Western powers and Hitler.) The point of capital punishment is not to pronounce on life in general but on the crime of murder.

Which is not to say that the sanctity of human life does not enter the picture. Taking a life, says the Talmud (in the course of discussing Cain and Abel), is equivalent to destroying a whole world. The rabbis used this statement to make a double point: to tell us why murder is the gravest of crimes, and to warn against false testimony in a murder trial. But to believe in the sanctity of human life does not mean, and the Talmud does not say it means, that capital punishment is ruled out.

A newer objection grows out of the seemingly random way in which we apply capital punishment. The death penalty might be a reasonable communal proclamation in principle, some critics say, but it has become so garbled in practice that it has lost all significance and ought to be dropped. DiIulio writes that "the ratio of persons murdered to persons executed for murder from 1977 to 1996 was in the ballpark of 1,000 to 1"; the death penalty has become in his view "arbitrary and capricious," a "state lottery" that is "unjust both as a matter of Judeo-Christian ethics and as a matter of American citizenship."

We can grant that, on the whole, we are doing a disgracefully bad job of administering the death

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penalty. After all, we are divided and confused on the issue. The community at large is strongly in favor of capital punishment; the cultural elite is strongly against it. Our attempts to speak with assurance as a community come out sounding in consequence like a man who is fighting off a chokehold as he talks. But a community as cavalier about murder as we are has no right to back down. That we are botching things does not entitle us to give up.

Opponents of capital punishment tend to describe it as a surrender to our emotions—to grief, rage, fear, blood lust. For most supporters of the death penalty, this is exactly false. Even when we resolve in principle to go ahead, we have to steel ourselves. Many of us would find it hard to kill a dog, much less a man. Endorsing capital punishment means not that we yield to our emotions but that we overcome them. (Immanuel Kant, the great advocate of the death penalty precisely on moral grounds, makes this point in his reply to the anti-capital-punishment reformer Cesare Beccaria—accusing Beccaria of being "moved by sympathetic sentimentality and an affectation of humanitarianism.") If we favor executing murderers it is not because we want to but because, however much we do *not* want to, we consider ourselves obliged to.

MANY AMERICANS, of course, no longer feel that obligation. The death penalty is hard for us as a community above all because of our moral evasiveness. For at least a generation, we have urged one another to switch off our moral faculties. "Don't be judgmental!" We have said it so many times, we are starting to believe it.

The death penalty is a proclamation about absolute evil, but many of us are no longer sure that evil even exists. We define evil out of existence by calling it "illness"—a tendency Aldous Huxley anticipated in his novel *Brave New World* (1932) and Robert Nisbet wrote about in 1982: "America has lost the villain, the evil one, who has now become one of the sick, the disturbed. . . . America has lost the moral value of guilt, lost it to the sickroom."

Our refusal to look evil in the face is no casual notion; it is a powerful drive. Thus we have (for example) the terrorist Theodore Kaczynski, who planned and carried out a hugely complex campaign of violence with a clear goal in mind. It was the goal most terrorists have: to get famous and not die. He wanted public attention for his ideas about technology; he figured he could get it by attacking people with bombs.

He was right. His plan succeeded. It is hard to imagine a more compelling proof of mental competence than this planning and carrying out over decades of a complex, rational strategy. (Evil, yes; irrational, no; they are different things.) The man himself has said repeatedly that he is perfectly sane, knew what he was doing, and is proud of it.

To call such a man insane seems to me like deliberate perversity. But many people do. Some of them insist that his thoughts about technology constitute "delusions," though every terrorist holds strong beliefs that are wrong, and many nonterrorists do, too. Some insist that sending bombs through the mail is *ipso facto* proof of insanity—as if the 20th century had not taught us that there is no limit to the bestiality of which sane men are capable.

Where does this perversity come from? I said earlier that the community at large favors the death penalty, but intellectuals and the cultural elite tend to oppose it. This is not (I think) because they abhor killing more than other people do, but because the death penalty represents absolute speech from a position of moral certainty, and doubt is the black-lung disease of the intelligentsia—an occupational hazard now inflicted on the culture as a whole.

American intellectuals have long differed from the broader community—particularly on religion, crime and punishment, education, family, the sexes, race relations, American history, taxes and public spending, the size and scope of government, art, the environment, and the military. (Otherwise, I suppose, they and the public have been in perfect accord.) But not until the late 60's and 70's were intellectuals finally in a position to act on their convictions. Whereupon they attacked the community's moral certainties with the enthusiasm of guard dogs leaping at throats.* The result is an American community smitten with the disease of intellectual doubt—or, in this case, self-doubt.

The failure of our schools is a consequence of our self-doubt, of our inability to tell children that learning is not fun and they are required to master certain topics whether they want to or not. The tortured history of modern American race relations grows out of our self-doubt: we passed a civil-rights act in 1964, then lost confidence immediately in our ability to make a race-blind society work; racial preferences codify our refusal to believe in our own good faith. During the late stages of the cold war, many Americans laughed at the idea that the American way was morally superior or the Soviet Union was an "evil empire"; some are still laughing. With-

*I have written about this before in "How the Intellectuals Took Over (And What to Do About It)," COMMENTARY, March 1997.

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in their own community and the American community at large, doubting intellectuals have taken refuge (as doubters often do) in bullying, to the point where many of us are now so uncomfortable at the prospect of confronting evil that we turn away and change the subject.

RETURNING THEN to the penitent woman and the impenitent man: the Karla Faye Tucker case is the harder of the two. We are told that she repented of the vicious murders she committed. If that is true, we would still have had no business forgiving her, or forgiving any murderer. As Dennis Prager has written apropos this case, only the victim is entitled to forgive, and the victim is silent. But showing mercy to penitents is part of our religious tradition, and I cannot imagine renouncing it categorically.

Why was Cain not put to death, but condemned instead to wander the earth forever? Among the answers given by the rabbis in the Midrash is that he repented. The moral category of repentance is so important, they said, that it was created before the world itself. I would therefore consider myself morally obligated to think long and hard before executing a penitent. But a true penitent would have to have renounced (as Karla Faye Tucker did) all legal attempts to overturn the original conviction. If every legal avenue has been tried and has failed, the penitence window is closed. Of course, this still leaves the difficult problem of telling counterfeit penitence from the real thing, but everything associated with capital punishment is difficult.

As for Kaczynski, the prosecutors who accepted the murderer's plea-bargain say they got the best outcome they could, under the circumstances, and I believe them. But I also regard this failure to execute a cold-blooded impenitent terrorist murderer as a tragic abdication of moral responsibility. The tragedy lies in what, under our confused system, the prosecutors felt compelled to do. The community was called on to speak unambiguously. It flubbed its lines, shrugged its shoulders, and walked away.

WHICH BRINGS me back to our moral condition as a community. I can describe our plight better in artistic than in philosophical terms. The most vivid illustrations I know of self-doubt and its consequences are the paintings and sculptures of Alberto Giacometti (who died in 1966). Giacometti was an artist of great integrity; he was consumed by intellectual and moral self-doubt, which he set down faithfully. His sculpted figures show elongated, shriveled human beings who seem corroded by acid, eaten-up to the bone, hurt and weakened past fragility nearly to death. They are painful to look at. And they are natural emblems of modern America. We ought to stick one on top of the Capitol and think it over.

In executing murderers, we declare that deliberate murder is absolutely evil and absolutely intolerable. This is a painfully difficult proclamation for a self-doubting community to make. But we dare not stop trying. Communities may exist in which capital punishment is no longer the necessary response to deliberate murder. America today is not one of them.

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Saving the Environment from the Environmentalists

Peter W. Huber

As a political movement, environmentalism was invented by a conservative Republican. He loved wild animals. He particularly loved to shoot them.

In the spring of 1908, with time running out on his second term, President Theodore Roosevelt held a hugely successful conference on conservation. The report that emerged, T.R. would declare, was "one of the most fundamentally important documents ever laid before the American people." He promptly called a hemispheric conference on the same theme, and was working on a global one when he left office in March 1909.

He had learned his conservation the hard way. After Grover Cleveland defeated the Republicans in 1884, T.R. returned to his Chimney Butte ranch in the Dakota Territory with plans to increase his cattle herd fivefold. Armed neighbors came by to complain. As H.W. Brands recounts in his recent *T.R.: The Last Romantic*,* "the potential for overstocking the range weighed constantly on the minds of the ranchers of the plains."

Although Roosevelt faced down his angry neighbors, he also set about finding a political solution to the problem that concerned them, forming and becoming president of the Little Missouri Stockmen's Association. He would only regret not starting earlier. The Dakota pastures were badly overgrazed in the summer of 1886, and many herds, T.R.'s among them, were destroyed in the dreadfully harsh winter that followed.

Occupying the White House two decades later, T.R. and his chief forester, Gifford Pinchot, would be the first to apply the word "conservation" to describe environmental policy. By then, Roosevelt had come to view the misuse of natural resources as "the fundamental problem which underlies almost every other problem of our national life."

The administration of Theodore Roosevelt was certainly not the first to show such concern. Congress had proclaimed Yellowstone a national park in 1872. Yosemite, Sequoia, and General Grant national parks were established in 1890. The first U.S. forest reserve, forerunner of the national forests, was proclaimed in the area around Yellowstone National Park in 1891. Presidents Harrison, Cleveland, and McKinley transferred some 50 million acres of timberland into the reserve system.

T.R.'s distinction was to give conservation its name and, more importantly, to transform it into an enduringly popular political movement. On the

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way to adding 150 million more acres to the country's forest reserves, he would persuade the great mass of ordinary Americans that conservation was in their own best interests.

What with two world wars and a depression intervening, it would take another six decades to complete a federal legal framework for conservation. In the meantime, much occurred to affect conventional notions of the environment. The radioactive aftermath of Hiroshima taught a first, ghastly lesson about insidious environmental poison. There followed popularized accounts of industrial equivalents of Hiroshima—fallout without the bomb. Rachel Carson defined the new genre in 1962, with the publication of *The Silent Spring*, about the dangers of pesticides.

All this became reflected in law. The Clean Air, Clean Water, and Resource Conservation and Recovery Acts of the 1960's, like the Endangered Species Act passed unanimously by the Senate in 1973, *seemed* to be cut from the same old conservationist cloth woven by T.R. (though they concerned smoke, sewage, and landfills rather than parks and mountains). But even as they completed and somewhat extended the framework for traditional conservation, these laws also quietly launched a new era—the era of environmentalism.

Regulating multifarious forms of pollution—the purpose of the clean-air, clean-water, and landfill acts—required a more elaborate regulatory structure than regulating parks and reserves. President Nixon had to establish a new cabinet-level body, the Environmental Protection Agency (EPA), to take charge. More significantly, each of the laws also included something quite new: an open-ended "toxics" provision, a general invitation to monitor the micro-environment for poisons and regulate them as needed. Even the Endangered Species Act, though written mainly with the likes of cougars in mind, was drafted broadly enough to protect unpleasant rodents like the kangaroo rat, and would soon be amended to prevent not only hunting but also "harming," which a federal court then construed to cover "habitat modification."

A mere statutory afterthought in the 1960's, the micro-environment was getting entire acts of its own a decade later. The Toxic Substances Control Act was promulgated in 1976. Then, in 1980, came Superfund. And thus, somewhere between Vietnam and the discovery of alarming concentrations of chemicals in the soil and groundwater at a town in upstate New York called Love Canal, a legal infrastructure for the new environmentalism slipped into place. Conservation was not abandoned. But politically it was overtaken, subsumed into something bigger. Bigger precisely because it concerned the very small.

OVER TIME, the distinctions between conservation and environmentalism have been obscured. But they really are two different schools.

Conservation happens in places we can see, and draw on a map. Yellowstone starts here and ends there. Bison, eagles, and rivers are only somewhat harder to track.

T.R. had no trouble seeing the things that made him a conservationist. Forests were being leveled, ranges overgrazed, and game depleted. Hunters and hikers, cattlemen, farmers, and bird-watchers could easily grasp all this, too. The political choices T.R. was urging were based on these considerations. Americans would want to preserve Yellowstone for the same reason they might some day wish to climb Everest: because it was there, because they knew it was there, and because they desired to keep it there.

If conservation happens in places we can see, micro-environmentalism happens everywhere. The microcosm is so populous, the forces of dispersion so inexorable, that in every breath we take we inhale many of the very molecules once breathed by Moses and Caesar. At that level of things, everything gets polluted, even though no one can see it, and it is all too easy to suggest causes and effects. Fish die, frogs are deformed, breast cancers proliferate, immune systems collapse, sperm counts plummet, learning disabilities multiply: every time, invisible toxics are assumed to be the culprit.

To believe wholeheartedly in micro-environmentalism one must either be a savant or put a great deal of trust in savants. In particular, one must put one's trust in computer models. The model is everything. Only the model can say just where the dioxin came from, or how it may affect our cellular protein. Only the model will tell us whether our backyard barbecues (collectively, of course) are going to alter rainfall in Rwanda. Only the model can explain why a relentless pursuit of the invisible—halogenated hydrocarbons, heavy metals, or pesticides—will save birds or cut cancer rates. The cry of the loon gives way to the hum of the computer. T.R. trades in his double-barreled shotgun for a spectrometer.

But precisely because it involves things so very small, the microcosm requires management that is very large. Old-style conservationists maintained reasonably clean lines between private and public space. They may have debated how many Win-

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nebagos to accommodate in Yellowstone, how much logging, hunting, fishing, or drilling for oil to tolerate on federal reserves, but the debates were confined by well-demarcated boundaries. Everyone knew where public authority began and ended. Yellowstone required management of a place, not a populace. Municipal sewer pipes and factory smokestacks may have required more management, but still of a conventional kind. The new models are completely different, so different that they are tended by a new oligarchy, a priesthood of scientists, regulators, and lawyers.

With detectors and computers that claim to count everything everywhere, micro-environmentalism never has to stop. With the right models in hand, it is easy to conclude that your light bulb, flush toilet, and hair spray, your washing machine and refrigerator and compost heap, are all of legitimate interest to the authorities. Nothing is too small, too personal, too close to home to drop beneath the new environmental radar. It is not Yellowstone that has to be fenced, but humanity itself. That requires a missionary spirit, a zealous willingness to work door to door. It requires propagandists at the EPA, lesson plans in public schools, and sermons from the modern pulpit. Children are taught to enlighten—perhaps even to denounce—their backsliding parents.

At this point, environmental discourse often degenerates into a fractious quarrel about underlying facts. One side insists that tetraethyl lead, pseudo-estrogen, and low-frequency electromagnetic radiation seriously harm human health. The other side says they do not. One side says these things will hurt birds, frogs, and forests, and have already done so. The other side says they have not and will not.

One might suppose that science would settle such disputes. But it cannot. In a classic essay from 1972, the nuclear physicist Alvin Weinberg explained why. He coined a term, "trans-science," to describe the study of problems too large, diffuse, rare, or long-term to be resolved by scientific means. It would, for instance, take eight billion mice to perform a statistically significant test of the health effects of radiation at exposure levels the EPA deems to be "safe." The model used to set that threshold may be right, or it may be way off; the only certainty is that no eight-billion-mouse experiment is going to happen.

The same goes for any model of very-low-probability accidents—an earthquake precipitating the collapse of the Hoover dam, say, leading to the inundation of the Imperial Valley of California. Statistical models can be built, and have been, but their critical, constituent parts cannot be tested. And similarly with all the most far-reaching models of micro-environmentalism, a realm of huge populations (molecules, particles) paired with very weak or slow effects. Whether we are talking about global warming, ozone depletion, species extinction, radiation, halogens, or heavy metals, whether the concern is for humans or frogs, redwoods or sandworts, the time frames are too long, the effects too diffuse, the confounding variables too numerous.

You may doubt this if you get your environmental trans-science the way most people do, for the mass media always convey a greater sense of certitude. There is no news in reporting "Dog May or May Not Bite Man; Scientists Waffle." Instead, *Newsweek* gives us: "Meteorologists disagree about the cause and extent of the cooling trend. But they are almost unanimous in the view that the trend will reduce agricultural productivity for the rest of the century." That was in 1975. They were still almost unanimous in 1992, according to Vice President Al Gore; but about what? "Scientists have concluded—almost unanimously—that global warming is real and the time to act is now." (I owe this juxtaposition to the *Economist*, December 20, 1997.) If the papers give you the various sides of the trans-scientific debate at all, they give it in different editions; sometimes, the editions are published twenty years apart.

It is a fair bet that now and again a model will predict things exactly right. It is a fairer bet that much of the time it will not. Indeed, if overall statistics confirm anything, it is that environmental toxins of human origin are not the main cause of anything much. The more industrialized we become, the longer we live and the healthier we grow. There is a model—quite a credible one, in fact—that purports to prove that a steady dose of low-level radiation, like the one you get living in a high-altitude locale like Denver, or at some suitable distance from Chernobyl, actually improves your health.

Nor are these the only problems. Suspect toxins vastly outnumber modelers. The list of things we might reasonably worry about grows faster than new rules can be published in the *Federal Register*. But the axiology of science, its priorities of investigation and research, the criteria for what to study and what not to, are matters of taste, budget, values—everything but science itself. Scientific priorities, Weinberg notes, are themselves trans-scientific. So are all the engineering issues, the practical

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fixes that regulators prescribe. Science will never tell us just how much scrubber or converter to stick on a tailpipe or smokestack, how much sand and gravel at the end of a sewer pipe, how much plastic and clay around the sides of a dump.

So, in the end, the micro-environmentalist just names his favorite poison, and gets on with making sure that nobody drinks it. The process is arrayed in the sumptuary of science, but the key calls are political. Micro-environmentalism ends up as a pursuit of politics by other means.

THERE IS nothing wrong with politics, of course—T.R. reveled in them. But here too there is an essential difference between the old conservationism and the new environmentalism.

All the choices old-style conservationists make are conventionally political. The Clinton administration recently designated as a national monument a vast stretch of land in Utah, from Bryce Canyon to the Colorado River, and from Boulder to the Arizona state line. It was a controversial call: the area includes the Kaiparowits plateau, where a Dutch-owned concern was slated to begin mining massive coal formations. T.R. would certainly have understood the controversy over the Kaiparowits plateau, and would likely have approved the decision to conserve.

In the new environmentalism, by contrast, conventional political process decides little. The clauses about toxics that were inserted as an afterthought in the clean-air and clean-water acts, and as the central thought in Superfund, are just a stew of words. They articulate no standard, set no budget, establish no limits. In T.R.'s day they would not even have passed constitutional muster. The Supreme Court would have cited the "nondelegation doctrine," which, then at least, forbade Congress to delegate responsibilities wholesale to the executive branch.

Today the delegation goes a lot further. Though nominally in the hands of the President and overseen by Congress, political authority for micro-environmental matters is now centered in the new trans-scientific oligarchy. The key calls are still stroke-of-the-pen political, at bottom, but no ordinary observer can see to the bottom. The only thing ordinary Americans may dimly realize is that somewhere deep in the EPA it has been deemed wise to spend more money digging up an industrial park in New Jersey than ever was spent conserving a forest in the Adirondacks.

Politicians know how to reward friends and punish enemies, but democratic politics tends, as a whole, to be pretty even-handed. When the old conservationists took your land, they paid you for it, and the money came from taxes and user fees. That was about as fair as the income tax—not very, but fair enough. In the new environmentalism, most of the taxing occurs off the public books. There is a great deal of creeping, uncompensated expropriation, and a freakish rain of ruin on those unlucky enough to discover the wrong rodent, marsh, or buried chemical on their land. Any amount of public environmental good, however small, can entail any private financial burden, however large.

We have likewise lost all pragmatic sense of when enough is enough. Conservation, driven as it must be through normal political channels, can be pushed only so far. The Clinton administration had to trade political chips for the Kaiparowits plateau; nobody feared it would soon seize the rest of Utah. Conservation works, politically, because the boundaries are reasonably well defined and because it targets real estate, not molecules. By contrast, most of the Northeast could be placed in regulatory receivership for its countless micro-environmental derelictions. Whereas hikers and hunters occupy a seat or two at the political table, synthetic estrogens and carbon dioxide have somehow escaped from the coils of politics, and the priesthood can pursue them without restraint.

The "remedial" efforts that emerge from this pursuit end up repelling even the intended beneficiaries. Contact with Superfund has become socially poisonous. The very arrival of the EPA in a community shatters property values, repels new industrial investment, and throws a region's entire future into doubt. Environmental regulation has in effect become a mirror image of the problems it is supposed to solve, leaking into society cancerous plumes of lawyers, administrators, and consultants, the brokers of ignorance, speculation, and uncertainty.

THEODORE ROOSEVELT was no Ralph Waldo Emerson, Henry David Thoreau, or John Muir. These "preservationists" revered wilderness for its own sake. Muir, founder of the Sierra Club, adamantly opposed building the Tuolumne River dam in Yosemite to supply water to San Francisco. T.R. supported it, consistent with his "wise-use" philosophy of conservation. For T.R., the whole point of conserving nature was to continue using it—forests for lumber, ranges for grazing, rivers for electrical power. Hunters, cattlemen, ranchers were to be involved in conservation because it was in their own self-interest. "Despite occasional mo-

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ments of doubt," writes H.W. Brands, T.R. "passionately believed in the capacity of the ordinary people of America to act in the public welfare, once they were alerted to the true nature of that welfare."

That was the faith that defined the first century of conservationism. Congress had established Yellowstone National Park as a "pleasuring ground" for people. The national parks would include forests, seashores, lakeshores, and scenic trails but also monuments, historical sites, and battlefields—man's creation alongside nature's. T.R.'s distant cousin Franklin, too, was an ardent conservationist, and during his presidency he established his own share of national parks and forests; but he also built roads, bridges, tunnels, airports, and skyscrapers. Like T.R., he believed there was room enough in nature for man.

Today, the preservationist vision is back on top. The quasi-pagan nature worship of the late 19th century has been reworked as the trans-scientific demonology of the late 20th. Those who believe in the new methods and models do not even credit the distinction between conservation and preservation. The computer models can link any human activity, however small, to any environmental consequence, however large—it is just a matter of tracing out small effects through space and time, down the rivers, up the food chains, and into the roots, the egg shells, or the fatty tissue of the breast. This is what chaos theorists call the "butterfly effect," traced out by computer. If you believe in the computer, you must believe that the only way really to "conserve" is not to touch at all.

Is it possible to change course, and if so, how? The answer comes in two parts, the philosophical and the practical-political.

There was never much high-church philosophy to T.R.'s conservationism. It was inspired by an abiding appreciation for the beauty of nature—that is, by aesthetics. And it was disciplined by a real sense (this may seem a curious thing to say of a man like T.R.) of humility. Not much philosophy there, but enough.

A sense of aesthetics would get us a long way in reforming environmental discourse. It would, to begin with, help us cut through the scientism, the fussy bureaucratic detail. It would let us ignore the priesthood and dispense with its soaring intellectual cathedrals. It would save us the enormous expense and inconvenience of digging up New Jersey and conserving our own trash. It would allow us to spend our energy and dollars on places that are simply beautiful, and oppose things for no fancier reason than that they are ugly.

The aesthetic approach does not mean ignoring the micro-environment completely, still less rejecting every commandment ever prescribed by the priesthood. Priests and propagandists have every right to help shape our aesthetic preferences, for better or worse; they just should not be allowed to palm off their art as science. Purity is beautiful, and industrial byproducts in our drinking water are ugly, even if invisible and harmless. (Fluoride and chlorine in the water are sort of ugly, too, even if they give us healthier teeth and guts.)

There is also an aesthetic case to be made for frugality: we are not going to run out of space for dumps, but garbage is not beautiful, and making do with less often is. By the same token, however, profligate excess in the digging up of dumps is as ugly as profligate excess in the original dumping. T.R.-style conservationists would devote far more energy to parks and forests, to sewage treatment and cleaner smokestacks, and far less to part-per-billion traces of dioxin. Whatever impact pesticides may have, setting aside 100 million acres of forest will likely protect more birds than trying to bankrupt the DuPont corporation through the Superfund. The most beautiful way to purify water is probably the most effective way, too: maintain unspoiled watersheds. While an "almost unanimous" priesthood forecast cooling in 1975, and warming in 1992, the conservationist just went on planting trees, the most pleasant and practical way to suck carbon out of the air, however it may (or may not) affect global climate.

As for a sense of humility, it might usefully take the form of a wariness of grand public works. T.R. endorsed his share of them; FDR endorsed many more. In retrospect, it seems clear that more of the megalithic government projects of those days should have been opposed. They certainly should be as we go forward. Yesterday the federal dollar erected huge dams and drained swamps; today federal money is used to unleash those same rivers, and convert sugar plantations back into swamp. (The swamp programs are doubly expensive because the government also props up the price of sugar.) A consistent conservationism might have blocked more of the before, and thus saved us from having to do much of the after.

A consistent philosophy of moderation and caution could also do much to blunt the vindictive, punitive impulses of the modern environmentalist—and thereby help make things greener. In the aftermath of the Exxon Valdez spill, the multi-

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billion dollar steam-cleaning of rocks in Prince William Sound did far more harm than good, stripping away the organic seeds of rebirth along with the oil. In places where the cleanup was left to the wind and the waves, "nature," *Scientific American* would conclude, "fared better on its own." But the frenzied demands that Exxon be made to pay and pay overwhelmed every other impulse, to the point where increasing the damage to the oil company became much more important than abating damage to the Sound.

SO MUCH for philosophy. Politically, the most important principle is that whereas the environmentalist mission is exclusionary, the conservationist mission is populist and inclusionary, welcoming humankind as an integral and legitimate part of nature's landscape. Conservationism does not see man as a tapeworm in the bowel of nature. Symbiosis is possible. And when a choice has to be made, as it sometimes must, people come first.

The old conservationists were reluctant collectivists; the new environmentalists, eager ones. Having successfully conflated eagles with snail darters, halogenated hydrocarbons with the mountain peaks of Yosemite, the new environmentalists claim to speak for them all. This is an agenda that fits easily into a left-wing shoe. Running the whole environment—literally, "that which surrounds"—is an opportunity the Left gladly welcomes. The micro-environment is the best part of all, requiring as it does a pervasive, manipulative, and intrusive bureaucracy—for the Left, political ambrosia.

In reply, the Right has nothing better to offer than a long tradition of creating parks, husbanding wildlife, and venerating natural heritages of every kind. Politically speaking, however, that should be enough. It is the old conservation, not the new, that welcomes the family in the camper. It is the old that dispenses with oligarchy and caters to the common tastes of the common man. It is the old that is the legacy of T.R., a man who so loved to shoot wild animals that he resolved to conserve the vast open spaces in which they live.

Besides, too-eager collectivists never end up conserving anything; only the reluctant ones do. (Behold the land once called East Germany: Love Canal, border to border, perfected by Communists.) The old conservationism, of parks and forests and Winnebagos, advances the green cause *because* of the Winnebago. The man in the Winnebago is enlisted in the cause precisely by an appeal to his own private sense of what is beautiful, and therefore to what he wants for himself and his family.

What is wrong with that?

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In Paul Johnson's America

James Q. Wilson

How can we explain the United States? How, that is, can we explain a nation that from its inception until today has remained unique in the world—a nation that is exceptional in its claims about individual freedom and in its restrictions on government power; that has committed profound injustices but has largely risen above them; and that gives ordinary people extraordinary influence over government while keeping government devoted to a cause greater than the summation of their personal preferences? How, in short, does a nation become a human cause, so much so that its very name can be invoked as a slogan: "Americanism"?

"The creation of the United States of America is the greatest of all human adventures," writes the eminent British author Paul Johnson, and in his new book, *A History of the American People*,* he attempts to explain why. This is hardly the first ambitious project Johnson has undertaken; his previous "big" books include not only *Modern Times* and *The Birth of the Modern* but full-scale histories of Christianity and of the Jews. But *A History of the American People*, quite apart from its scope, is a welcome and peculiarly timely reflection on the riddle of this "greatest of all human adventures."

The answer Johnson provides is not simple or easily summarized. Of course, for many people reading this book, any explanation at all would be superfluous. Men seeking gold landed on an unknown shore, started some colonial governments as theocratic autocracies, used other settlements as places to house transported English prisoners, moved and despoiled the Indians already living here, and claimed to fight a revolution in the name of personal freedom while keeping 600,000 slaves. Preoccupied with the ills of America, such readers will compare Johnson's account of heroes and villains with their own preconceptions, objecting—inevitably—to the myths he fails to puncture and the mischief he refuses to discuss. And they will seize triumphantly on his errors of fact.

There are plenty of those. Contrary to Johnson, the Constitution does not confer "awesome powers" on the President. Kansas cattle towns did not grow up because they were on the railroad, they grew up because eastern Kansas refused to accept disease-bearing Texas cattle. Prohibition did not increase alcohol consumption, it lowered it. San Francisco was originally called Yerba Buena, not "Yerba Buer." Boulder Dam is on the Colorado, not the Columbia, river. Ragtime music was not fast, but, as written by Scott Joplin, quite slow. Alfred Sloan did not have an "e" at the end of his last name. We have a National Association (not a Federation) of Manufacturers, a Joint (not a Combined) Chiefs of Staff, and an Internal Revenue

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Service (not a Bureau of Internal Revenue). Scholars and others know that Alfred Kinsey was wrong about the sexual practices of Americans. The Santa Ynez mountains are in southern California, not northwest of the whole state. The Columbia University law professor was Herbert Wechsler, not Washler.

Some readers and reviewers will pick over these and other nits in an effort to dismiss Johnson's book. But they will be wrong. Whatever the trivial errors, Johnson gets the larger message quite correct as he tells us in these 1,000-plus pages how America became

> huge and teeming, endlessly varied, multicolored and multiracial, immensely materialistic and overwhelmingly idealistic, ceaselessly innovative, thrusting, grabbing, buttonholing, noisy, questioning, anxious to do the right thing, to do good, to get rich, to make everybody happy.

THE CLUES to how this came about are to be found early in our history. Johnson's 100-page chapter on colonial America is in many ways the heart of the book. It deserves careful study, because most Americans mistakenly think our history began in 1776. In fact, it was not until after World War II that we could boast as many years of post-1776 history as pre-.

As everyone knows, the obvious attraction of America to Englishmen in the 17th century was that it offered free land to anyone able to cross the Atlantic. Though at that time there were more small, independent farm owners in England than in France or Spain, this lure of free land must have been overpowering. It created what Johnson calls a "huge, experimental theater of liberty."

Why? In Latin America, too, land was free, or at least available to Europeans with guns and swords, but despite an equivalent influx, nothing faintly resembling America emerged there. To Alexis de Tocqueville, observing the United States in the early 19th century, the difference could be attributed to the mores and manners of Americans. But why did Americans have the mores and manners—what Tocqueville called the "habits of the heart"—to make self-government meaningful and economic growth inevitable? Johnson offers four main reasons.

First, English colonies in America had to be self-supporting. The English monarch, unlike the kings of France and Spain, supplied little or no money to overseas settlers, and so cash had to be raised locally by the colonists. Even American colonial governors, though appointed or approved by the crown, were with few exceptions not paid by it. This meant that their formal powers, though significant on paper, were in fact constrained by the need to raise their salaries from the people they ruled.

In other words, America had taxation with representation long before England tried to increase the former while diminishing the latter. By the time London, having changed its mind about colonial self-government, began to revoke the commercial and proprietary charters it had granted to the early colonists, American settlers had become quite accustomed to self-rule, and so all new British restrictions were resisted with mounting anger.

Second, this resistance was reinforced by the fact that many colonists had been given the rights of Englishmen—so that Virginia, for example, could form a representative government loosely based on the Westminster model. In time, every colony had some kind of council to advise (and pay!) the governor. Unlike the English model, however, the American councils were from the start empowered by written documents, of which the first examples were the Mayflower Compact (1620) and the Fundamental Orders of Connecticut (1639).

Johnson is correct to note the extraordinary importance of such documents. Once government is defined in writing, its limits are also stated in writing, and against these limits people can claim rights. Even in Massachusetts, home of a theocratic regime headed for many years by the authoritarian John Winthrop, it was possible for the governor to be deposed by his followers—as Winthrop was.

Third, much of America was settled by families. Although this may strike the casual reader as an obvious point, it is not.

Men left England, France, Portugal, and Spain to go many places in search of fortunes; the women were mostly left at home. The weakness of such men-only communities becomes clear if we look at the Western cattle drives or the mid-19th-century California gold rush, both mostly male ventures. Wherever young, ambitious, and reckless men are sent to work, death, drunkenness, and violence ensue. When there are no women or children to be protected, government is hard to create, or if created hard to energize.

The conflict between cattle-drive cowboys and family-based farms is a constant theme of the Western movie, and (minus the cows) it could just as easily be the story of the early American colonies. Jamestown, in Virginia, was originally settled by men, and additional men were recruited by

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the offer of free land. But in time, of course, whole families did set out from England, as on the *Mayflower* and later on ships to Jamestown. During the 1630's, 200 ships brought 20,000 Englishmen and Englishwomen to the Massachusetts Bay Colony. When families arrived, the men had other things to worry about besides looking for treasure.

Fourth, many colonists came to America in response to two competing motives: religious freedom on the one hand, economic opportunity on the other. This was especially true in New England where, as the historian Samuel Eliot Morison would put it, the Yankees became "a race whose typical member is eternally torn between a passion for righteousness and a desire to get on in the world."

That passion for righteousness provided a ground for both unity and dissension. In the Massachusetts Bay Colony, religion formed the basis of social and moral order and gave authority to some tough-minded rulers. The Calvinists had rejected Anglican England and its bishops, archbishops, and faintly Roman style of organized religion. Puritans (and later Baptists, Huguenots, and Methodists) were determined to create a truly religious community based on family life and self-governing churches. In early America, there were no Anglican bishops; every denomination was run by those who belonged to it, sometimes (as in Massachusetts) in a single church under a strong elected leader and sometimes (as in Rhode Island) in a welter of rival religious groups.

These settlers were all Protestants, but—as Johnson reminds us—Protestantism was a form of protest, and this could become an open invitation to dissent. Since Puritanism rested on the idea that the word of God could be directly understood by each religious person, religious and political leadership was always open to a challenge from the faithful.

No group of people of any size will long agree on everything, especially if what is at stake is the future of one's soul. Soon dissent weakened the hold of religious leaders. In Massachusetts, the deposed John Winthrop later reclaimed the post of governor, only to lose it again two years later. In Rhode Island, Roger Williams could produce no single church; instead, he had to welcome many rivals.

What made it possible to sustain this level of dissent was that everyone knew that nearby, or just to the west, lay vast tracts of empty land, waiting for fresh settlers and their new ways of living. In this way, religion interacted with and was tempered by economic reality. But in economics, North and South diverged.

The farms created in the North tended to be built to the scale of a single family, with no more land under cultivation (as opposed to speculation) than could be worked by a husband, wife, and a few children. In the South, by contrast, different people and different conditions—land was cheaper there, and easier to work—led to a different economy. On large tracts of flat land, a cash crop of rice, tobacco, or cotton could be grown if people could be found to do the backbreaking work of cultivating it. Slaves provided that labor.

Almost every nation in the world has practiced slavery, but not all forms of it have been the same. The American style, Johnson suggests, was one of the worst, for unlike in England, where slaves were granted certain rights, or even Spain, where they were at least believed to possess souls, here they were bits of property. A chattel slave was one who had little hope of freedom, whose children would automatically become slaves as he was, and for whom the threat of discipline was held in check only by the discretion of the slaveholder and the need to protect an economic asset.

The Carolinas imported the habits of slavery early on, when people with experience in subtropical farming migrated there from the slaveholding West Indies, especially Barbados. Initially whites and blacks in the Carolinas worked more or less together in efforts at cutting timber, hunting fur-bearing animals, and raising cattle. But once rice became established as the cash crop, black life was reduced to misery while white life was elevated to plantation luxury or diverted to village idleness.

Tocqueville would brood over the consequences of this Southern arrangement, noting that "industrious Ohio" differed from nearby "idle Kentucky" because slavery existed on the latter's side of the Ohio River. Among slaveholders, the institution created a class of people whom Tocqueville described as "without energy, without ardor, without a spirit of enterprise." That was true up to a point, although his observation misses another important characteristic of life in a slave society.

White men who regarded physical labor as a lowly endeavor reserved for black slaves had to devote time and effort to avoiding being thought of as "white slaves." This helped stimulate a hunger for honor that was almost as strong as the desire for wealth. Using force not only to keep blacks down but also to keep their own status among whites up, white Southerners engaged in a kind of violence that was constrained only poorly by government and not at all when the victims were black. To this day, rates of violent crime are higher in the South

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than in the North, even though migration has greatly reduced the social differences between the two regions.

BUT IT was not just circumstance that made the South distinct from the North. Colonists also varied in the culture they brought to their respective regions. Johnson alludes to differences in migration patterns, but does not appear to have made much use of David Hackett Fischer's magnificent study, *Albion's Seed: Four British Folkways in America* (1989).

The Puritans, for example, who came from the eastern counties of England, brought with them strong families, congregational churches, and some experience with political liberty. By contrast, the migration to Virginia involved men from Kent and Devon, steeped in hierarchy, manorial life, and the Anglican church, and more interested in wealth than in religion. As for the Quakers and Pietists who arrived in Pennsylvania, they hailed from the North Midlands where they had acquired a distinctive speech and an intense work ethic. Finally there were the migrants from the northern frontier of England, including the Scottish lowlands and parts of Ireland; their border culture had been shaped by centuries of fighting, a love of heroism, and extreme inequalities of wealth.

England, in short, was not a simple country with one culture. It was a collection of cultures, many of which were exported to America; and what the colonists brought with them may have been as important as what they found here. The combined effect—of culture and condition—shaped what America was to become.

That effect was extraordinarily powerful. Americans in the early 19th century had a unique nation, diverse in its several regional cultures but alike in the deference of all sides to the Constitution. All sides: even during the Civil War, the Confederacy produced, as its own constitution, a version of the 1787 document that was only slightly altered to accommodate states' rights.

But could that deference endure if the nation was flooded with millions of immigrants from countries other than England and Ireland, all coming to fill up vast new tracts of land created by the Louisiana Purchase and the movement West? In the latter part of the 19th century, the pattern of immigration was vastly widened, and in the 20th it was widened still more. The welcome mat was out; until late in our history, anybody could arrive and become an American with scarcely any formalities.

Any other country might have been changed in its very essence as English colonists were replaced by German, Irish, Italian, Jewish, Scandinavian, Asian, and Latin immigrants, all with their own motives, culture, and needs. But it did not happen here. The immigrants became more like America and less like their native countries. Even after free land largely had disappeared, American culture persisted. The ancient experience with congregational churches and a nonhierarchical religious order instilled in newcomers, too, a disposition for self-government. The world's first written constitution gave to all a stake in finding, asserting, and acquiring rights (and a stake in hiring lawyers to do the work for them). The tradition of self-supporting government dependent on the good will of its constituents meant that every immigrant, whatever his native experience, would find here a government created by the people and bound by law to serve them.

These powerful cultural expectations were made more attractive still by the fact that in America there was virtually no army and certainly no conscription; no censorship and no political police; a government a fraction the size and wealth of any European rival; cheap land; and next to no taxes. Out of this combination of economic mobility, religious freedom, political opportunity, and popular sovereignty, Americanism was born.

THE INDUSTRIAL Revolution improved all of these circumstances while creating new problems of its own. Johnson lists several factors that produced faster industrial growth here than in most other countries: liberal patent laws (which made innovation easy), high labor costs (which made innovation necessary), standardization of machinery and an abundance of energy sources (which made innovation possible), and free interstate commerce (which made innovation profitable). I would add only the existence of a single market stretching 3,000 miles from shore to shore, a condition that Europe is only today managing to duplicate in part.

To develop that market required everything we now describe (and sometimes deplore) as marketing and salesmanship. These vocations were not the defect of our system, but an essential element of it.

In his treatment of industrialization, Johnson may irritate readers schooled in the old textbook saws about the American "robber barons." True, he dislikes the barons Jay Gould and Jim Fisk, but only because they were unscrupulous. He likes Andrew Carnegie and J.P. Morgan, because they were scrupulous. John D. Rockefeller gets a mixed review;

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he manipulated railroad prices to suit Standard Oil, but in the process created a gigantic industrial empire that brought the price of oil (and later gasoline) down to a level that anyone could afford.

Like virtually every other student, I was taught in college that the bad things we associate with the age of the Industrial Revolution were so bad as to demonstrate the need for a strong government to restrain markets. But what Progressive (later, liberal) college history teachers forgot, and what Johnson understands, is that a weak government also has its advantages. That is the government America had, and it made good as well as bad things possible.

A strong government would not have let J.P. Morgan manage the national finances in times of crisis; instead, a strong government would have done the job by itself—and gotten it wrong. (Morgan did not make mistakes because he understood money and because, in exchange for his intelligence, he sought neither votes nor favors.) Nor would a strong government have allowed venture capitalists to build our railroad system. It would have built the railroad itself, and the result would have been France: many railroads, all costing dearly in government subsidies, and pro-railroad policies that would have denied people what they ultimately wanted, namely, roads on which to drive their own cars.

It is true that here, too, there were subsidies to railroads—private railroads, that is. Indeed, the land area turned over to American railroad builders was larger than the entire territory of France. But a subsidy to a capitalist differs fundamentally from a subsidy to a government-owned entity. The former can be ended, or shifted elsewhere (as to highway builders); the latter never ends but is rather endlessly defended.

To appreciate why immigrants from whatever country, possessing whatever culture or religion, have ended up talking and thinking like Americans, suppose we had lacked our remarkable combination of generalized economic ambitiousness and competitive religious aspiration, all within a regime of limited government and local self-management. Had we an economic aristocracy controlling personal advancement, our economic life would have been a continuous struggle between the haves and the have-nots. Had we one state religion, other religions would have become dissenting sects organizing to protect their culture and defend their claims. Had we a strong government nationally managed, a few problems might have been solved earlier than they were, but many more would have been exacerbated.

In other countries—the places where the immigrants (that is, all of us) came from—most people do not think of themselves as middle-class; religious orientation is much weaker; and scarcely anybody sues anybody else. In America, the opposite is true. That is a testament to a general equality of condition in this country that is astonishing to realize, and that is a direct legacy of our peculiar national experience.

Opinions may differ about how well Americans have managed what they have been given. At the outset of his book, Johnson asks whether this country can rise above the injustices of its past practices, successfully combine altruism and acquisitiveness, and create a model republic suitable for adoption by other nations. He never quite answers this particular set of questions; rather than arriving at a systematic judgment, his book simply ends. My own answer, for what it is worth, is that America has done more than other nations in overcoming past injustices and made good progress in tempering acquisitiveness with altruism. But it has not become, and will never be, a model that other nations can copy. There is only one America, just as there is only one Japan, one Switzerland, one India.

The essential feature of Americans, wherever they came from, has been to acquire a problem-solving cast of mind. Their ancestors from abroad may have been destitute, oppressed, or victimized, but here their children acquire good will, confidence in democratic habits, and an enduring willingness to attack the ills of society, even the ones that effort alone cannot solve. As Johnson puts it, "they will not give up."

Whatever our complaints about this country, our attachment to it cannot but be vividly reinforced by Paul Johnson's deeply insightful, eloquently expressed account of its triumphs and its failures. Those who insist, against all evidence to the contrary, that somewhere else, or in some imaginary world of which visionaries dream, life is or can be better, will not like this book. Everyone else will love it.

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What Julius Rosenwald Knew

David G. Dalin

AROUND THE turn of the present century, a handful of Jews, mostly of German origin, came to exercise a profound influence on American philanthropy, creating a multiplicity of charitable institutions that continue to shape our world. It was an impressive group, including in its ranks the banker Jacob Schiff, the financier Felix Warburg, the industrialists Daniel and Simon Guggenheim, the merchant Nathan Straus, and the jurists Julian Mack and Mayer Sulzberger. But its foremost member was surely Julius Rosenwald. Though Rosenwald inhabited a world much different from our own, his rise from rag-trade to riches, and the uses to which he put his enormous wealth, constitute a story that bears retelling.

Julius Rosenwald was born in 1862 in Springfield, Illinois, where his parents had settled and opened a clothing store after emigrating from Germany eight years earlier. At age seventeen, with only two years of high school behind him, the young man left home to work in his uncles' wholesale clothing business in New York. He soon saved enough money to open a store of his own and then a business manufacturing men's summer clothing. In 1885 he moved the factory to Chicago. There, after a decade of successful toil, Rosenwald made a fateful investment, purchasing a 25-percent stake in the company of one of his local customers, a small mail-order house by the name of Sears, Roebuck.

By the close of 1896, Rosenwald had become a Sears vice president, and he was to remain at the company for the rest of his career, rising in 1908 to become its president. He made significant contributions to every aspect of the Sears operation, introducing new technologies like conveyor belts and gravity chutes to accelerate the processing of orders, tightening quality controls, and launching an innovative advertising campaign—"your money back if not satisfied"—that had tremendous popular appeal.

By 1906, when Sears moved into a vast new facility in Chicago, it was recording an average of 20,000 orders a day, a number that rose to 100,000 during the Christmas season. At the end of the first decade of the century, the firm's annual gross sales tallied more than $50 million, making it the largest mail-order company in the world. By 1925, Rosenwald's personal holdings in the company had risen from $37,500 to a then-prodigious $150 million.

IF JULIUS Rosenwald's accomplishments at Sears showed him to be a true pioneer of modern business—Henry Ford is said to have borrowed the assembly-line technique from the great retailer—he was also a trailblazer in the field of philanthropy, devoting as much energy to giving away his

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wealth as he had to acquiring it. Like the steel magnate Andrew Carnegie, his contemporary, Rosenwald saw himself as a public servant, the temporary steward of treasure entrusted to him for the purpose of bettering the world. To this end, Rosenwald gave without stint to a wide range of institutions. The University of Chicago and the Chicago Museum of Science and Industry received millions from his purse, as did numerous Jewish organizations like the American Jewish Committee, the Joint Distribution Committee, the Jewish Theological Seminary, and a host of Chicago-based associations, societies, and synagogues.

Increasingly, however, even as he continued donating to established organizations, Rosenwald developed certain convictions about philanthropy that impelled him down a rather unconventional path. His ideas came from different sources. He was deeply influenced, first of all, by Emil Hirsch, one of the leading Jewish communal leaders of the day. The rabbi of Chicago's Sinai Congregation, a Reform synagogue on whose board Rosenwald himself served, Hirsch placed great weight on a principle deeply rooted in the Jewish tradition of giving: the importance of encouraging self-help. Although, for Hirsch, charity should be motivated by compassion for the poor and the need to alleviate immediate distress, it was always better to help people become gainfully employed than to give them alms.

In a man of Rosenwald's political outlook, this view was warmly received. Like most of the other German-Jewish communal leaders of his time, Rosenwald was a staunch Republican and an equally staunch adherent of the laissez-faire business philosophy for which the party stood. An unabashed admirer of the solid conservatism of William Howard Taft, and one of his most loyal supporters within the Jewish community, Rosenwald contributed generously to the campaigns of every Republican presidential candidate of his era. He was an especially ardent backer of his friend Herbert Hoover, contributing $50,000 to Hoover's 1928 presidential campaign and becoming a close adviser and confidant during his presidency.

Rosenwald's friendship with Hoover began through an involvement with the massive charitable campaign that provided assistance to civilian victims of World War I, an effort that Hoover spearheaded. (Rosenwald's special cause was the American Jewish Relief Committee for War Sufferers, through which he became the single largest American contributor helping Jewish casualties of the war in Eastern Europe.) Both men came away from the experience convinced that with proper leadership, the resources of private philanthropic institutions could be summoned to meet any domestic crisis, no matter how grave.

The alternative, then as now, was to offer the poor a right to governmental support. But this, Rosenwald maintained, had drawbacks that would lead to permanent dependence and a cycle of ever deeper poverty. Moreover, to give without requiring something in return was simply to invite the recipient to come back asking for twice as much. Convinced as he was of the truth of this argument, Rosenwald—in contrast to many other Jewish leaders of his day—became a vociferous opponent of the proposals advanced by Franklin D. Roosevelt, then campaigning for the presidency, to rescue the country from the Great Depression. Since he died in January 1932, ten months before Roosevelt's election, Rosenwald would not see the results of those policies once Roosevelt had a chance to put them into effect.

Rosenwald's opposition to government-provided welfare, however, did not mean he thought nothing should be done to help the downtrodden. On the contrary, from his embrace of self-reliance there flowed, early and late, a whole raft of philanthropic projects. He became a generous backer, for instance, of Hebrew Free Loan Societies, charitable institutions that furnished small amounts of capital, interest-free, to impoverished Jews. And Rosenwald's reach was by no means confined to the Jewish world. He was a bountiful supporter of a campaign to establish more Young Men's Christian Associations in urban black neighborhoods; the YMCA was then a major provider of temporary lodging and meals, and a source of employment information, to the poor and homeless across the land.

While the YMCA campaign was an important component of Rosenwald's charitable portfolio, the realm in which he left his most enduring philanthropic imprint was the education of American blacks. Rosenwald's interest in this area was first encouraged by Rabbi Hirsch, but its greatest spark came from Paul J. Sachs, a former partner in the New York investment banking firm of Goldman, Sachs and himself a noted philanthropist. In 1910, Sachs gave Rosenwald a copy of Booker T. Washington's autobiography, *Up from Slavery*; as Rosenwald would frequently note, this work influenced him more profoundly than almost any other book he had read.

Born into slavery in 1856, Washington had be-

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come by the 1880's a nationally known and respected educator whose gradualist approach to racial equality had won him wide acceptance and respect. He was also, of course, much criticized, in particular by the black leader W. E. B. Du Bois, who favored forcing more immediate and far-reaching changes in the legal, economic, and social condition of American blacks. Whoever had the stronger argument in this debate over means and ends, Washington could at least lay claim to genuine attainments for many newly emancipated slaves. The school he established in 1881 in Tuskegee, Alabama, had rapidly become a national center for agricultural and vocational training, and a laboratory for the formulation of self-development programs.

Among other approaches, Washington urged blacks to emulate the "very bright and striking example" set by American Jews. As he wrote in his 1902 book, *The Future of the American Negro:*

> There is, perhaps, no race that has suffered so much [as the Jews]. . . . But these people have clung together. They have a certain . . . unity, pride, and love of race; and, as the years go on, they will be more . . . influential in this country—a country where they were once despised. . . . Unless the Negro learns more and more to imitate the Jews in this matter, to have faith in himself, he cannot expect to have any high degree of success.

This was a message that, not surprisingly, held a special appeal for a Jewish philanthropist like Rosenwald.

The two men first met in 1911 when Washington came to Chicago to raise money for the Tuskegee Institute. Shortly thereafter, Rosenwald was invited to serve as a trustee. But his support for Tuskegee was not confined to mere check-book philanthropy. Like Washington himself, Rosenwald firmly believed that charity alone would never ameliorate black poverty; rather, blacks needed to develop the skills that would make them indispensable employees, thereby offering a path from grinding poverty into the middle class. In furtherance of this philosophy, he became intimately involved in the workings of Tuskegee, making annual pilgrimages to Alabama in a private railroad car and bringing along a sizable contingent of relatives, friends, and potential benefactors.

On these visits, where Rosenwald's party would typically be greeted with torchlight processions, brass bands, and elaborate ceremonies, he and his guests were given a chance to attend classes and observe students demonstrating their newly acquired skills. Rosenwald was in the habit of awarding cash bonuses on the spot to outstanding faculty members. Back home, he arranged for Sears to offer the students steeply discounted rates on surplus or slightly damaged shoes and hats.

From involvement with the Tuskegee Institute, Rosenwald moved on to finance a far more ambitious enterprise conceived by Washington: the building of public schools for blacks. In 1912, when this project was launched, educational opportunities for blacks in the rural South were severely limited, to say the least. In Alabama, a state where half the population was black, only 20 percent of black children were enrolled in school, as compared with 60 percent of white children. And the facilities that did exist tended to be staffed by grossly underpaid teachers working in appalling conditions.

Rosenwald began by launching a fund-raising drive that employed the then-novel mechanism of matching funds (to be supplied in labor, materials, or cash). The idea was that, by this means, recipients would regard the school-building program not as charity handed to them from on high but as an enterprise in which they themselves were integral partners.

The campaign was a huge success. Poor blacks across the South pledged cows and calves and sold eggs, hens, corn, cotton, berries, and other produce to generate funds; children donated their pennies. In one rural village, farmers set aside the proceeds from an entire section of a cotton field (the "Rosenwald Patch"); in another town, where a former slave donated his life savings of $38, the impoverished residents of the community succeeded in collecting a total of $1,365 and in building a new school that served hundreds of students. In short, by asking the beneficiary communities themselves to contribute, Rosenwald stimulated local philanthropy and investment alike.

In 1916, pleased with the progress of his Southern School Building Program, Rosenwald agreed to pay a third of the cost of several hundred additional schools. Between 1917 and the time of his death in 1932, through direct grants and indirect fund-raising, he could claim credit for the construction of 5,357 public schools serving more than 600,000 black children throughout the South.

OF WHAT relevance today is the example of Julius Rosenwald's life and philanthropic accomplishments?

To some, that relevance must seem questionable. Although an astute executive and generous giver, Rosenwald, they would say, was, like his friend

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Herbert Hoover, shortsighted about the good that an active government could do. At a moment when America was grappling with economic calamity, Rosenwald, whose uncritical faith in Hoover never faltered, stood foursquare against changes that were salutary in their time and that have since become almost universally accepted in our national life. Moreover, the critique would continue, Rosenwald's approach to race relations was undeniably patronizing—think of those defective shoes and hats.

But that is hardly the end of the matter. For in a real sense Rosenwald was not shortsighted at all, but rather a farseeing visionary. The programs of the New Deal may indeed have helped millions of Americans move from temporary joblessness to gainful reemployment—which is all they were intended to do—but as these programs evolved over the decades, they led to the very demoralization and dependency among the poorest of the poor that Rosenwald had warned against. By contrast, the inculcation of habits of individual responsibility and self-help—the essence of Rosenwald's philosophy—is today seen by many, even in the black community, as the only way out of a seemingly endless cycle of despair.

As for Rosenwald's supposed condescension toward the objects of his concern, the fact remains that his school-building program and all his other activities in behalf of American blacks left a tangible legacy of significant and lasting worth. Can one say the same for the standing acrimony over affirmative action and black anti-Semitism that today passes for interracial "dialogue"?

In the end one is left with a tantalizing and paradoxical proposition: it is no accident, but rather the expression of a large and ironic historical truth, that a man of Rosenwald's particular political and philanthropic views should have understood so much, and acted in so genuinely beneficial and progressive a way. Relevant in its day, his example is even more relevant in our own.

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Never Give a Sucker an Even Break

Joseph Epstein

For a comic or a wit, the enviable thing is to be so celebrated that one is given credit for the humor, repartee, and amusing anecdotes of others. Oscar Wilde was in this splendid position; so, too, closer to our own day, were Dorothy Parker and Oscar Levant. Outside the arts, Winston Churchill was assigned the honor of many a brilliant remark he never made. So, again, was W. C. Fields, the great American vaudevillian and movie comedian.

Here, for example, is a story told about Fields on his deathbed. Allow me to present it as a movie scene, the form in which he, a scenarist himself, might best have appreciated it:

> *It is a late winter afternoon. Fields is in bed in a New York hospital, under an oxygen tent and lashed to an IV. He is obviously in a very bad way. His lawyer, his agent, and his mistress sit in vigil. From outside one hears the sound, faint but distinct, of newsboys hawking the afternoon papers. Fields signals the three to his bedside.*
>
> Fields: (*weakly*) Poor little urchins out there. No doubt improperly nourished, ill-clad. Something's got to be done about them. Something's got to be done.
>
> *He closes his eyes. His lawyer, agent, and mistress return to their chairs. Twenty seconds later, Fields, even more weakly than before, signals them to return. They lean in close to hear what figure to be his last words.*
>
> Fields: On second thought—screw 'em.

Almost nothing about this story turns out to be true. William Claude Fields died—on Christmas day, 1946, at the age of sixty-six—in California. He had lapsed into a coma roughly a month earlier. A nurse and his secretary kept the deathwatch. In his grandson's account, he regained consciousness for the briefest moment, put a forefinger to his lips, winked, and departed the planet.

The apocryphal version, if I may say so, is better—better because it is more in harmony with the way those of us to whom Fields has given immense pleasure tend to think of him. And the way we have tended to think of him, of course, is as the great American curmudgeon. He was the man who, when asked if he liked children, replied, "I do, if they're properly cooked." A gardener, Fields is said to have fastened a note to his rose bushes: "Bloom, you bastards! Bloom!" Will Fowler, the son of the writer Gene Fowler, remembers Fields chasing a swan off his property, calling out, "Either shit green or get off the lawn!" When a young man who claimed to be Fields's illegitimate son showed up at his home, the butler asked what he ought to be told. "Give him an evasive answer," Fields said. "Tell him to go f--- himself."

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Will Rogers, a contemporary of Fields, famously said that he never met a man he didn't like (causing George Jessel to say that he once had a wife who felt the same way, and it turned out to be no bargain). With Fields it was just the reverse—at least if his public persona can be believed. But the gap between the private and public Fields, between his personal life and his show-business life, is a complicated subject. Happily, it has been untangled for us in a recent biography by Simon Louvish, *Man on the Flying Trapeze.**

Louvish goes through what he calls the "Fields legend" in the spirit of a fact-checker *extraordinaire*. Some of the corrections he enters into the record cause, at least in me, a brief stir of regret. I did not enjoy learning, for instance, that Fields is not, after all, buried under a tombstone that reads, "I'd rather be in Philadelphia." Others range from the relatively inconsequential to the genuinely substantive. We learn from Louvish that Fields did not leave home at age eleven, as he claimed, but at eighteen; he did not deposit money in different bank accounts all over the world, but managed his finances quite sensibly; instead of hating children, as his movie roles often called upon him to do, he was a devoted grandfather; no misogynist, he found women delectable and was able to make himself charming to many; far from being a pinchpenny or stingy, he was something of a sport.

But it is not as if Louvish has discovered the real W. C. Fields to be a pussycat, a bird-watcher, or a teetotaler. Even in this account, he remains a pretty wild old boy: a skirt-chasing, heavy-boozing, lyrically profane man. Nor, in other respects, is the general effect of *Man on a Flying Trapeze* deflationary. Far from it. For what Louvish is really at pains to demonstrate in this book has less to do with the private W. C. Fields and more to do with the performing one: a highly self-conscious entertainer who carefully developed his skills to the point where they became art.

FIELDS, WHO was born in 1880, liked to pretend in later life that he had grown up in a Dickensian atmosphere, mistreated and manhandled by a father who forced him to leave home as a child and scrounge a livelihood in the streets of Philadelphia, where he engaged in petty crimes and wild escapades. Simon Louvish tells us otherwise. Fields's father, whose name was Dukenfield, worked as a commission merchant for fruits and vegetables, and although he drank his share, he and his son went at each other less violently than the son would later claim. Still, the household—"poor but dishonest," in Fields's characterization—was at least verbally pugnacious; his mother in particular was known for mumbling sarcastic asides in a manner her son would later adapt to brilliant comic effect.

Fields left home not in discouragement but for a life in the theater. As a boy, he had begun to juggle, and he worked hard at this charming, strangely elegant, and utterly useless art. He had fine eye-hand coordination, could do trick shots in pool, manipulate cards, and juggle just about anything less than his own weight. To innate talent he added powerful discipline. The mature Fields told a story—not refuted by Louvish—of working at home on a trick until the man who lived downstairs came to complain about the ceaseless din of falling objects, at which point Fields put him off by telling him about a little trick with paring knives that, if executed as prescribed, would have resulted in fairly serious injury.

Jugglers were then a standard act on the bills of every variety theater, and one had to carve out one's own niche, find a specialty within the specialty. Fields's first attempt along these lines was to wear a tramp's outfit and do a fine turn with five cigar boxes which a reviewer described as setting at "naught all laws of gravity." In the verbal byplay accompanying his juggling, he reacted with puzzled comments to the miscreant behavior of his recalcitrant hats, boxes, and canes. In the words of a British vaudevillian quoted by Louvish, Fields "would reprimand a particular ball which had not come to his hand accurately, whip his battered silk hat for not staying on his head, . . . mutter weird and unintelligible expletives to his cigar when it missed his mouth."

The climb of the young W. C. Fields was steady and not all that slow. A watchful caretaker of his career, he was soon able to get himself booked into better and better theaters, and his biographer is able to supply us with some of the great show-biz names who appeared on the same bills with him: the Keatons, Fanny Brice, Sarah Bernhardt, Harry Houdini, Maurice Chevalier, Ed Wynn, the Marx Brothers, and Eddie Cantor, the last of whom became a fairly close friend. Touring abroad before World War I, where the fees were especially good, Fields played England, Germany, the *Folies Bergères* in Paris, and Australia.

His only serious miscue was an early marriage, which produced a son from whom he would become estranged. His wife's name was Harriet Hughes, and she claimed to be related to the aristocratic Lees of Virginia; Fields's riposte was that

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she was really from the Levys of Brooklyn. Although he would later be reconciled with his son—a grandson, Ronald J. Fields, would even assemble a book, *W. C. Fields by Himself*, that attempted to rescue Fields from the self-created legend of his misanthropy—he divorced his wife and never remarried. One of his great comic subjects, in fact, became the nightmare of domesticity. Wives in Fields's routines do not get off lightly.

His life was in any case hardly set up for marriage. Regularly on tour during the early years of the century, he played the then-famous Keith circuit and later became one of the comic stars of the *Ziegfield Follies*. As time went on his verbal comedy came to occupy as large a share of his act as his physical comedy. Louvish reports that in those days he never repeated jokes—something not true of his later career, when he became an assiduous recycler of his own material. "It is hard to say which we admire most," a reviewer of the day noted, "his remarkable skill [at juggling] or his irresistible drollery." Another reviewer, in the *San Francisco Chronicle*, averred that Fields possessed "more of the real spark of comic genius than almost any who styles himself so in the legitimate field." Heywood Broun and Alexander Woollcott both praised him in print. The word, in short, was getting around.

By 1920, Fields was earning big money, a grand a week, and a few years later he left Ziegfield to join the *George White Scandals*. He had long before begun to write his own scripts, and he even made a single silent movie, a muddled and chaotic effort called *The Pool Shark* (1916). In it he wears a hopeless mustache—his "third eyebrow," he called it—and cannot be said to have established anything resembling a memorable character. Yet, with his fine weather eye, he had sensed that the action—which also meant the money—was henceforth in movies. He aimed to score big in Hollywood.

SOUND, THE talkies, is what made W. C. Fields. His voice—that fine con-man drawl, "nasal and grating," as Louvish describes it, "with that know-it-all tinge coupled with an eternal ennui"—was the most potent single weapon in his arsenal. Splendidly rhythmic, absolutely distinctive, capable of providing exactly the effects he required of it, his was one of the great comic voices of all time. Many explanations have been offered for its origin: the legacy of years of devoted boozing and smoking, the product of cold Philadelphia winters, and so forth. Louvish argues, convincingly, that it was a work of pure invention, like Fields's walk, looks, gestures—the whole package.

Little that Fields did was without calculation, either in his stage and movie performances or, for that matter, in the creation of his own legend. Although he was capable of shenanigans—including drinking on the set—he was, Louvish writes, "the most disciplined of actors when he was working for those he respected," among them the directors D.W. Griffith, Joseph Mankiewicz, Leo McCarey, and George Cukor. For an actor, he was also fairly well read; he had a special love for Dickens, from whom he happily stole the use of comic names and broad-stroke caricature. He understood, with genuine intellectual precision, the mechanics if not the wellsprings of comedy. In a magazine article of 1934 he noted that "you usually can't get a laugh out of damaging anything valuable," and he also believed that "it's funnier to bend things than to break them." With perfect pitch and timing, he bent them just about as far as they could go.

Fields's voice was the ideal conveyance for the kind of highly verbal comedy in which he came more and more to specialize. To begin with, there was his rich and ornate vocabulary. (Whenever I read H. L. Mencken, Fields's exact contemporary and another brandisher of an ornate vocabulary, I always hear a Fieldsian intonation.) Fields loved language, juggled it as expertly as he did his cigar boxes and hats, played it not only for laughs but for sheer sensuous pleasure. He cared enough about language to compile a now-lost dictionary of his own neologisms, which included the word "philanthroac" (one whose mission in life it is to take care of drunks who do not desire his care).

The level of literacy in many of Fields's movies is quite high. In *My Little Chickadee* (1940), which he wrote with his co-star Mae West, he refers to her character, whose name is Flower Belle Lee, as "yon damsel with the hothouse cognomen." Later in the movie he tells her that she is "the epitome of erudition," adding, "a double superlative. Can you handle it?" (Miss West replies: "Yeah, and I can kick it around, too.") There is even in this movie an example of what I believe academic literary critics nowadays call "intertextuality": "Come up and see me sometime," is Fields's final utterance, echoing the most famous of all Mae West one-liners; to it, she replies, "Yeah, I'll do that, my little chickadee."

Fields was especially good at delivering innuendo, those comical asides and afterthoughts in which all his movies are rich. "I've never struck a woman in my life," he avers in the short film *The Golf Specialist* (1930). Hold one full beat. "Not even my own mother." More than just an instrument for

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conveying words, however gaudy, Fields's voice aimed at projecting something larger—a fully developed persona.

The great early movie comedians all had their own imprint: Charlie Chaplin's ability to wring pathos out of a charming underdog resilience; Buster Keaton's passive melancholy with its high threshold for frustration; the Marx Brothers' let-'er-rip anarchical zaniness. Fields's comic character may have been the most highly formed of the lot. When he was in control of a movie—he often wrote his own material, or used writers who knew his character the way a bespoke tailor knows his customer—then, as Louvish says, "the comic business, the gags, always illuminate[d] character, and all comedy stem[med] from the character, not from some mechanical plan."

ACTUALLY, THERE were two Fields characters. The high-toned, often grouchy con man was one; the greatly put-upon husband or "sucker" was the other. From movie to movie he could slide easily from one to the next, and he could also play his con man for pathos, as in his brilliant portrayal of Mr. Micawber, the sesquipedalian optimist, in George Cukor's version of *David Copperfield* (1935). But there was no doubt in Fields's own mind about which was the harder trick to pull off. He once told a journalist: "Making you laugh at the hard-boiled three-card-monte man who is trimming a sucker is one thing—and not so easy—but making you laugh at the sucker is something else."

Of the two chief Fieldsian characters, the con man and the degraded husband, my own preference is for the latter. *My Little Chickadee* and *Never Give a Sucker an Even Break* (1941) have their fine moments, but I like Fields when he is less snarly, less frightening, less likely to cuff a child too enthusiastically; when he is not adding to the world's anarchy but is instead—like the rest of us, if to a much higher power—a victim of it.

In most of the movies in which Fields plays the chump, his character is locked in a hideously mistaken, a completely disastrous, marriage. Although he does not ask much—a drink with the boys, a night out at the wrestling matches—even that turns out to be too much. His wife is inevitably a harridan in a print dress, and sometimes there is a pompous and contemptuous stepson or a hopeless older daughter going with the wrong young man; added to the mix is often a younger son or daughter who is the Platonic ideal of the brat.

The put-upon husband is seen to best effect in *It's a Gift* (1934), about the Bissonette family—needless to say, the wife in the movie insists on pronouncing it Bissoné. Simon Louvish claims *It's a Gift* as his own favorite, and it is also mine. Among its riotously funny bits is an extended scene in which the grocery store of Harold Bisonnette, the character played by Fields, is nearly destroyed by the maunderings of one Mr. Muckle, a blind man whom Fields implores to remain seated ("Take it easy, Mr. Muckle, honey, just stay seated, Mr. Muckle") while a bullying customer keeps yelling that he needs ten pounds of kumquats. The whole thing amounts to a form of juggling by other means, and at scene's end all the balls are on the floor. As the blind Mr. Muckle leaves, Fields reports: "He's the house detective over at the hotel."

I DO not mean to suggest that Fields's movies are all marvels of compression and wit, or without their longueurs. Sometimes they almost seem to go into slow motion. In two different movies there are checkers games in which the Fields character waits what seems like forever before giving advice that will result in a player's being quintuple-jumped. Fields can take endless amounts of time wriggling his golf club before striking a ball, or standing in the door to announce, "Ain't a fit night out for man or beast"—hold for three full beats—before getting a blast of snow in the puss.

Of greater interest is the world view that underlies and provokes the laughter. The chief subject in Fields's best movies is false respectability. His is a world where dysfunctionality and viciousness rule—where everyone tries to do in everyone else, and meanness and stinginess abound. Many of Fields's movies also provide an implicit critique of small-town America in the 1920's and 1930's, and especially of its narrowness and puritan hypocrisy; they are, in effect, Sinclair Lewis with laughter added.

The Bank Dick (1940), for example, is set in the town of Lompoc, with its three paved blocks and its many busybodies. Living with four women—a wife, the standard brutal mother-in-law, and two awful daughters—Egbert Sousè ("accent *grave* over the e," he invariably adds), who is not permitted to smoke in the house, takes refuge in the Black Pussy Café and Snack Bar, where he tanks up every chance he gets. In a nice Fieldsian bit, he fussily uses his water chasers as finger bowls.

In Fields's small town, respectability is all on the surface. "I shall make it my business to see that the

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Lompoc Ladies Auxiliary will be informed," an old biddy tells the manager of the hotel in which Sousè has stowed a bank examiner he has gotten drunk. Meanwhile, not very far beneath the surface, corruption is the order of the day. "We have three drugstores," notes the Fields character. "One actually sells medicine." Dr. Stall, the town physician, advises an emaciated patient to "cut out all health foods for a while," bidding him farewell with the words, "That'll be ten dollars. The nurse will return your clothes with a receipt."

In each of these movies, the improbable demystifier of society's false surfaces turns out to be the character played by Fields himself. I suspect that this is what lay behind the revival of interest in him that took place in the late 1960's and early 1970's. Suddenly, posters, T-shirts, and coffee mugs began showing up bearing his great red-nosed likeness. In the eyes of a rebellious generation, Fields was an anti-establishment man. The old iconoclast had become, posthumously, an icon.

Sorry, wrong anti-hero. ("Icon," one can almost hear the comedian drawling, "sounds awfully like 'I con.'") In life, Fields was a Republican and a great contemner of Franklin Delano Roosevelt, not to mention an isolationist who disapproved of U.S. entry into World War II. In his public persona, he was not only anti-establishment, he was anti-everything. As he wrote in a book of only faintly amusing essays, *Fields for President*:

> And when, on next November fifth, I am elected chief executive of this fair land, amidst thunderous cheering and shouting and throwing of babies out the window, I shall, my fellow citizens, offer no such empty panaceas as a New Deal, or an Old Deal, or even a Re-Deal. No, my friends, the reliable False Shuffle was good enough for my father and it's good enough for me.

Certainly no one could have been more politically incorrect than Fields, either in his art or in his life. He would say that he was "impersonating a Ubangi," or slip in the occasional reference to an "Ethiopian in the fuel supply." Of the ten items for which the con man J. Effington Bellwether (in *The Golf Specialist*) is wanted by the police, the final one is: "Revealing the facts of life to an Indian." He liked to make jokes about women's bottoms. (In *The Dentist*, 1932, a woman is bitten in the ankle from behind by a small dog. "You're fortunate," Fields ripostes, "that it wasn't a Newfoundland.") Although many of his show-biz friends were Jewish, Hollywood producers drove him, as Louvish puts it, close to "tipping over into anti-Semitism." Planning to leave the majority of his estate to found an orphanage for black children in Philadelphia, he became offended by the behavior of a black servant and changed his will to restrict the orphanage to whites. When his friend Gene Fowler told him he was making a mistake and was bound to be misunderstood, Fields replied: "I've always been misunderstood."

The misunderstanding matters little now. The movies remain, and they are still very funny—some of them, for me, falling-off-the-couch funny. Over the years, the heavier he grew, the redder his nose became (he suffered from a skin disease called rosacea), the sourer he seemed, the more pleasure he gave and the greater artist he became. He was not everyone's cup of cognac. But for those of us whose cup he is, he continues to contribute, quite substantially, to the gross national comedy.

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OBSERVATIONS

Counting Noses at the "Harvard Crimson"

Justin C. Danilewitz

IN THIS, its 125th year, the *Harvard Crimson* has much to celebrate. The student-run daily is, after all, something of an institution even in the wider world of American journalism. Its prominent alumni are too numerous to list; their bylines grace the pages of the country's most prestigious newspapers and magazines. Little wonder that so many undergraduates, hoping to join these fabled ranks, devote their Harvard careers to winning a top post at the *Crimson*, often to the detriment of their class work and their social lives.

Of course, like Harvard, the *Crimson* has changed a good deal in the course of its long history, and especially over the last several generations. This is a point that the paper itself has been at pains to emphasize in observing its 125th anniversary. Thus, a recent recruiting advertisement, proclaiming the *Crimson*'s commitment to "representing the broad spectrum of the Harvard community," called upon like-minded students to help it "reach out to the rich diversity" of the campus. Accompanying the text was an antique photo of some 30 unsmiling Harvard men from the turn of the 20th century, most of them in three-piece-suits and many of them in bow ties; the head of one was encircled with a white halo. The caption underneath read: "Old School: *Crimson* President Franklin Delano Roosevelt '04 and his cronies." As for today's *Crimson*, it, according to the ad, was offering "A New Deal for Harvard."

This past fall, as the paper prepared for its approaching anniversary, I was hoping to become a part of this new dispensation. I had been writing for the *Crimson*—both news articles and editorials—for two years, ever since I was a freshman, and had also performed other basic editorial duties like looking over the work of younger writers before publication. As I saw it, moreover, I had "rich diversity" aplenty to offer, being (unlike FDR) both a conservative and a Jew. Alas, for reasons that will be familiar to any observer of today's campus politics, it was not meant to be.

I KNEW when I entered "the shoot"—as the process of applying for an executive position on the *Crimson* is called—that "diversity" had long been a sensitive issue at the paper. In the early 1970's, female staffers had successfully pushed for a switch to gender-neutral language in its pages. ("Freshman" and "chairman" thus became, respectively, "first-year" and "chair.") And on one locally famous occasion, the feminists had shown their displeasure with the *Crimson*'s male-dominated hierarchy by covering the women's bathroom with protest-laced graffiti.

Around the same time, the leadership of the paper started to be seriously concerned about the lack of minority students on its staff, and the recruitment of blacks and Hispanics became a priority. Today, almost three decades later, it is, as the FDR advertisement made clear, still a priority. Yet these efforts have consistently failed to bear fruit, turning Harvard's Black Student Association (BSA) in particular into a vocal and perennial critic of the *Crimson*.

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Since "the shoot" is, inevitably, a deeply political process, and one in which the subjective judgments of outgoing members of the executive board reign supreme, I had given some thought to where I stood on the issue of diversity. And indeed, during a crucial discussion with a departing managing editor named Valerie MacMillan, the conversation finally turned to what I would do "to improve diversity" on the *Crimson*'s editorial board. When I asked my interlocutor to be more specific, she flabbergasted me by stating that the "problem" she was referring to was the fact that so large a percentage of the paper's columnists were Jews.

My response, after I had regained my composure, was that while the editorial board had a legitimate interest in ensuring a diversity of ideological views at the *Crimson*, this seemed to me to have little to do with the ethnic or religious identities of its writers. But it should have been clear that this response was not calculated to enhance my prospects. For, as it turned out, Valerie MacMillan was not alone in her definition of the "problem" at the *Crimson*; the same point was made explicitly in the statements of at least two undergraduates aiming for leadership positions on the editorial board, Geoffrey C. Upton and Daniel M. Suleiman.

Both Upton and Suleiman had submitted "shoot papers," or platforms, in connection with their bids for office. When it came to how they would deal with the *Crimson*'s "diversity problem," Upton's statement was the more succinct of the two. Ritualistically declaring his intention, if elected, to "expose the staff to diverse viewpoints," he then cut to the practical heart of the matter. As things stood, Upton noted, the paper's homogeneity was unfortunately self-evident, for "eight of ten columnists are Jewish and just one is not white." Hence, as he saw it, there was a palpable need to "[s]tep up efforts to diversify the staff" itself.

For his part, Suleiman, reiterating that the "lack of diverse voices plagues our newspaper," showed himself to be an even more refined practitioner than Upton of the art of drawing distinctions by ethnic origin. Not only, he wrote, are "nine out of ten *Crimson* columnists . . . white," but "seven out of ten are white Jews"—and not just of the generic variety, but white Jews "from the tri-state area" of New York, New Jersey, and Connecticut. (The discrepancy between Upton's eight Jewish columnists and Suleiman's seven may be put down to the vagaries of, shall we say, nose-counting.) In light of this situation, Suleiman boldly declared that, if elected to the editorial board, he would act "to bring about rapid, substantive change."

IN THE fullness of time, Upton and Suleiman were in fact selected to be co-chairmen of the new editorial board. Several months into their tenures now, have they made good on their pledges? In at least one respect, they have certainly disappointed. Given their stated views, they, of all people, should have recognized the awkwardness of their own election. For Upton and Suleiman, it turns out, are not only white Jews themselves, but white Jews from that most dreadfully overrepresented tri-state area. In light of this embarrassing fact, how they could have considered themselves appropriate role models for a newly diverse paper remains a mystery.

As for the "problem" of Jews in general, Upton and Suleiman have indeed succeeded in lowering the ratios considerably. This they did by adding ten new columnists to the eight that remained from last year, and by assiduously "diversifying" the new cohort along ethnic lines. And, as if to underscore what is now meant, and not meant, by diversity at the *Crimson*, one Jew, a long-timer on the editorial page who happens to be a conservative, was summarily dismissed.

I myself am no longer part of the *Crimson* scene, having been turned down for a position on the board as well as for a slot as a columnist. There could have been any number of reasons for this. I was competing against very capable people, and I may have simply failed to "click" personally with the *Crimson* elite. Still, it is hard to avoid the conclusion that there is a new policy in place at the paper. On the Ivy League's most selective campus, a program designed to promote the most superficial kind of diversity—the diversity of skin color—proceeds apace, while intellectual diversity, the only kind that really matters, is scanted or goes begging.

To make matters worse, arguments long discredited in liberal society are being resurrected to justify the new order of things. The contention that it is undesirable to have "too many" Jews was once invoked at places like Harvard to keep them out; now such views are being openly espoused again, and by some of the very Jews who have been let in. This is, indeed, a new deal. What it says about the moral and intellectual sensibilities of the rising generation of elite American journalists is something else again.

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MUSIC

Modernism With a Smile

Terry Teachout

FOR DECADES, Darius Milhaud (1892-1974) and Francis Poulenc (1899-1963), the best-known French composers of the period between the two world wars, occupied the same pigeonhole: they both produced music that was at once unmistakably modern and irresistibly likable. Audiences around the world warmed to scores like Milhaud's *Le Boeuf sur le toit* (1919) and Poulenc's *Les Biches* (1923), finding in them a freshness and insouciance that remain engaging to this day.*

As lifelong friends and fellow members of *Les Six*, the group of Paris-based composers loosely associated with the poet-publicist Jean Cocteau, the two men could hardly have escaped being yoked in the public eye. And in fact, they shared a common musical lineage. Both of them had repudiated the stylistic legacy of Richard Wagner, instead seeking inspiration in the anti-Wagnerian modernism of Igor Stravinsky. Both also rejected Arnold Schoenberg's twelve-tone system of musical composition as unhesitatingly as they had turned their backs on Wagner.

But the tendency of critics and journalists to treat Milhaud and Poulenc as birds of a feather eventually did them a disservice. It obscured their individuality—their musical styles were only superficially similar, while their temperaments were radically at variance—and made it easier for hostile commentators to write them off as a pair of amiable lightweights, long on charm but short on rigor and profundity. When Schoenberg displaced Stravinsky as the reigning prophet of modernism, the charges became graver: Milhaud and Poulenc were dismissed by progressive critics as reactionaries.

Today, with the collapse of late modernism and the breakup of the serial monopoly, Milhaud and Poulenc have begun to recapture critical favor—the first tentatively, the second decisively. In addition, the last few years have seen the publication of several important books about the two composers, including the first biography of Poulenc in which his homosexuality is discussed candidly; the first complete English-language translation of Milhaud's delightful autobiography, *My Happy Life*; and a supplementary volume of reminiscences by Milhaud's wife, Madeleine.† It seems likely that the clearer perspective afforded by these books will strengthen the increasingly widespread belief that Darius Milhaud and Francis Poulenc, far from being mere purveyors of charm, are in fact fully worthy of being ranked among the key figures of musical modernism.

THE DISARMING title of Milhaud's autobiography goes a long way toward explaining the unwillingness of many critics to take him seriously. Though his long and productive life contained its share of hardships—among other things, he suffered from a painfully crippling

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*For a list of recommended recordings of these and other works by the two composers, see the discography at the end of this article.

†*Francis Poulenc*, by Benjamin Ivry (Phaidon, 240 pp., $19.95, paper); *My Happy Life: An Autobiography*, by Darius Milhaud (Marion Boyars, 285 pp., $27.50, paper); *Conversations with Madeleine Milhaud*, by Roger Nichols (Faber & Faber, 111 pp., $15.95, paper).

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arthritic condition that forced him to spend his later years in a wheelchair—he faced them serenely. As he recalls in *My Happy Life*:

> In 1962 I was asked to talk about myself at an American college. I recalled my parents, who were so understanding, my wife, my son and his children, who have brought me nothing but joy. In short, I said that I was a happy man. At that moment I sensed general consternation—almost panic—in the hall. Some students came to talk to me after the conference: how had I been able to create in these conditions? An artist needs to suffer! I replied that I had managed to arrange things differently.

Milhaud's inner tranquility derived from the circumstances of his birth, described succinctly in the very first sentence of his book: "I am a Frenchman from Provence, and, by religion, a Jew." He loved the rugged hills and bright hot sunlight of Aix-en-Provence, and it requires no great leap of imagination to hear their echo in what Christopher Palmer, Milhaud's translator, has aptly described as his "earthy, chunky, robust music." His talents were discovered early and encouraged wisely, producing an utterly professional composer who churned out scores with staggering facility, and whose essential temperament was sweet and genial.

FROM 1916, when he played viola in the first performance of Debussy's Sonata for Flute, Viola, and Harp, to 1940, when he and his wife fled France just ahead of the Nazis, Milhaud was at or near the center of the modern-music movement in Europe. Largely through his associations with Erik Satie, Cocteau, and the members of *Les Six*, he acquired a deceptive reputation as a musical wit and *enfant terrible*; in fact, his music, while sometimes light in tone, was at all times serious in purpose, and his most frequent collaborator was the French religious poet Paul Claudel, with whom he composed the ballet *L'Homme et son désir* (1918), the opera *Christophe Colomb* (1928), and numerous other works.

Milhaud emigrated to the United States in 1940, spending the next three decades at Mills College, a small school in Oakland, California, and later at Colorado's Aspen Music Festival. He soon became, with Aaron Copland and Paul Hindemith, one of America's most influential teachers of composition (among his many pupils was the pianist Samuel Lipman, COMMENTARY's long-time music critic). Always a man of unswerving religious belief—his wife once described him as "faithful to the religion of his ancestors without ever posing the slightest question"—Milhaud explored Jewish themes in his music still more frequently after his exile from France, most notably in *Service sacré* (1947) and the opera *David* (1952), composed for the Festival of Israel.

Whatever the occasion, music poured from Milhaud in a near-constant stream, making him by a very long margin the 20th century's most prolific composer of distinction. What saved so industrious and even-tempered a musician from the curse of blandness was his highly original harmonic language. Inspired by the example of Stravinsky in *Le Sacre du printemps*, Milhaud became the first composer methodically to explore polytonality, the simultaneous use of multiple key signatures. This technique, which became central to his compositional method, can be heard in the opening bars of his most famous work, the ballet score *La Création du monde* (1923), in which an alto saxophone plays a sinuous D-minor melody superimposed over a D-major bass line.

Though initially disorienting to untrained ears, polytonality is in fact a logical extension of functional tonality, one so natural that within a few years it would become part of the "normal" language of jazz and popular music (the jazz pianist Dave Brubeck and many other West Coast jazz musicians studied with Milhaud). Milhaud chose to use polytonality not as an ornamental device but systematically. He believed it made possible the creation of harmonies that were "more subtly sweet and more violently potent" than their conventional counterparts. Indeed, in his music, seemingly unstable chordal combinations are interwoven with such subtlety and skill that they quickly acquire the solidity of traditional harmony.

Always receptive to new musical idioms, Milhaud incorporated into his scores devices gleaned from jazz and South American popular music: *La Création du monde* is scored for a seventeen-piece instrumental ensemble similar to the bands he heard during a visit to Harlem, while *Le Boeuf sur le toit* abounds with the zesty samba and tango rhythms of Brazilian dance. The only idiom to which he was wholly allergic was the richly upholstered German romanticism of Wagner. His description in *My Happy Life* of the first time he attended a performance of *Parsifal* sums up the impatient reaction of an entire generation of modernists to the oppressive specter of the master of Bayreuth:

> This work, which everyone had been impatiently waiting to hear, sickened me by its pretentious vulgarity. I did not realize that what I felt was merely the reaction of a Latin mind, unable to swallow the philosophico-musical jargon and the shoddy mixture of harmony and mysticism in what was an essentially pompous art.

The operative word here is "pretentious." Milhaud was hardly unresponsive to German music *per se*—he greatly admired the lyrical neoclassicism of Hindemith—nor was he averse to large-scale musico-dramatic statements. His opera *Christophe Colomb*, for instance, calls for a Wagnerian-scale ensemble of singers and instrumentalists, including 45 vocal soloists. What Mil-

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haud rejected, rather, was the overblown aesthetic ends to which Wagner used his massed forces. For him, high seriousness did not imply grandiloquence.

Francis Poulenc was no less adamant an anti-Wagnerian, but his temperamental makeup, unlike that of Milhaud, contained a large dose of *angst*, albeit of a peculiarly French variety.

The only child of one of the founders of what later became the Rhône-Poulenc chemical corporation, Poulenc was born into upper-class comfort in the eighth *arrondissement* of Paris. The fundamental conflict of his life emerged early: brought up as a devout Catholic, he became as a young man a promiscuous homosexual who neither shook off the religious convictions of his childhood nor came fully to terms with his unorthodox sexual appetites.

Poulenc started playing piano at the age of five, and began composing a few years later without any formal training. He wrote his first successful work, the song cycle *Le Bestiare* (1919), a collection of miniature settings of the poetry of Guilliaume Apollinaire, when he was just twenty; a year later, Serge Diaghilev invited the promising young composer to prepare the score for what would become Bronislava Nijinska's *Les Biches*, one of the Ballets Russes' most enduring successes.

Early success is the first enemy of promise, and Poulenc's natural gifts were so great that he came perilously close to turning into a dilettante, plunging into the thick of the avant-garde musical scene long before he had perfected anything like a mature technique. To be sure, many of the characteristics of his later music can be heard in *Le Bestiare*: the wry, nostalgic harmonies, the precise balance of humor and melancholy, the acutely sensitive response to words (most of Poulenc's finest compositions would be for the voice). What was missing was the discipline that would allow him to create large-scale works. This he belatedly acquired from Charles Koechlin, the composer with whom he studied from 1921 to 1924.

By the mid-30's, Poulenc was turning out seemingly without effort a stream of light-hearted, brilliantly scored works that clinched his reputation as one of France's outstanding young composers. It was at this point that an unexpected development in his style took place: he embarked simultaneously on a long series of choral works on sacred themes and an equally lengthy series of secular song cycles, the latter inspired by the idiosyncratic but powerfully expressive singing of the French baritone Pierre Bernac. In these compositions—particularly the song cycle *Tel jour, telle nuit* (1937), set to the poems of Paul Eluard—Poulenc's lyricism grew deeper and more intense, and the easy melancholy of his young years gave way to a much darker emotional tone.

Though Poulenc never lost the wit and vitality that brought him his first fame, his expressive range continued to widen, and by the 1950's it was clear to unprejudiced observers that he had become the foremost French composer of his generation. The masterpiece of his middle years, the 1956 opera *Dialogues des Carmélites*, left little doubt that the impish miniaturist of the 20's had grown into a major composer capable of expressing in music the full spectrum of human emotion.

Unfortunately, there were by 1956 few unprejudiced observers available to pass judgment on Poulenc. In Paris, Pierre Boulez had become the musical man of the hour, and his rigid adherence to Schoenberg's serial methods cast a spell on the French cultural scene that even now remains powerful—and destructive. It goes without saying that neither Poulenc nor Milhaud had any place in Boulez's austere world of totally organized sound.

Yet neither man seemed greatly troubled by the prospect of becoming a dead letter. As early as 1942, Poulenc had seen far into the future, writing to a friend:

> I am well aware that I am not the kind of musician who makes harmonic innovations, like Igor [Stravinsky], Ravel, or Debussy, but I do think there is a place for *new* music that is content with using other people's chords. Was this not the case with Mozart and with Schubert? And in any case, with time, the personality of my harmonic style will become evident. Was not Ravel long regarded as nothing more than a minor figure [*petit maître*] and imitator of Debussy?

The self-confidence that lurks behind this seeming modesty—particularly the tacit comparison with Mozart and Schubert—would surely have been greeted with contempt at the height of the serial revolution. But by the 80's, when the failure of serialism to engage the sympathies of more than a handful of listeners had become clear, Poulenc was looking less and less like a *petit maître* and more and more like a great composer.

Today, of course, it is Schoenberg who is the dead letter and Poulenc whose music has become a beloved and indispensable part of the international concert repertory. So far Milhaud has been less fortunate, mainly because he composed too much: his huge output, particularly the works written after World War II, is uneven in quality, and there are simply too many pieces (including twelve symphonies and eighteen string quartets) for the ordinary listener to sort through. Still, there is much buried treasure waiting to be found among his 443 opus numbers, and it can only be a matter of time before imaginative performers unearth it; the systematic revaluation of Milhaud is among the most important and enjoyable tasks awaiting music critics of the next century. For now,

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his most popular compositions—*La Création du monde*, *Le Boeuf sur le toit*, the delectable *Suite provençale* and *Scaramouche*—continue to be played and recorded regularly.

The significance of Milhaud and Poulenc lies not only in the pleasure their music gives but in the assumptions upon which it is based. Both men believed absolutely in their ability to express themselves fully within the framework of tonality; even Milhaud's most seemingly outrageous experiments in polytonality invariably prove on closer inspection to be rooted in the organizing power of the triad. Music, Hindemith wrote in 1937, "as long as it exists, will always take its departure from the major triad and return to it. The musician cannot escape it any more than the painter his primary colors, or the architect his three dimensions." Neither Francis Poulenc nor Darius Milhaud ever doubted the truth of that recently unfashionable axiom, now once again seen as the firm foundation upon which the great tradition in Western music is built.

Milhaud and Poulenc on CD: A Select Discography

SURPRISINGLY FEW of Darius Milhaud's major compositions are currently available on CD in up-to-date recordings by world-class performers. The following are noteworthy:

Le Boeuf sur le toit (1919) and *La Création du monde* (1923) have been recorded with superlative skill and flair by Kent Nagano and the Lyon Opera Orchestra, coupled with a performance of the attractive but less interesting Harp Concerto of 1953 (Erato 2292-45820-2).

The *Suite provençale* (1936), First Symphony (1939), and Second Symphony (1944) can be heard in good performances by Michel Plasson and the Orchestre National du Capitole de Toulouse (DGG 435 437-2GH).

Les Choéphores (1915), the only one of Milhaud's collaborations with Paul Claudel that continues to be performed at all regularly, has been recorded by Leonard Bernstein and the New York Philharmonic (Sony Classical Masterworks Heritage MHK 62352).

Darius Milhaud: Enregistrements Historiques 1928-1948 (Classical Collector 150 122), a three-CD set available in larger stores that carry imports contains all the commercial recordings Milhaud made as pianist and conductor during the 78 era, including complete performances of *La Création du monde*, *L'homme et son désir* (1918), *Six Chants populaires hébraïques* (1925), *Trois Opéras-Minute* (1927), the First Piano Concerto (1933), *Concertino de printemps* (1934), and *Scaramouche* (1937). Milhaud is joined in performance on this invaluable set by several noted French singers and instrumentalists of the interwar period, including the soprano Jane Bathori, the mezzo-soprano Claire Croiza, the baritone Martial Singher, and the pianists Marguerite Long and Marcelle Meyer.

BY CONTRAST, virtually all of Francis Poulenc's music is available in a wide assortment of first-class recordings, both historical and modern. These CD's feature musicians who knew and worked with the composer:

The baritone Pierre Bernac, for whom most of Poulenc's songs were written, can be heard performing the song cycles *Le bestiaire* (1919) and *Tel jour, telle nuit* (1937), accompanied by the composer, whose highly characteristic piano playing is here heard to ideal advantage (EMI CDC 54605).

A two-CD set of orchestral music conducted by Georges Prêtre includes a slapdash but marvelously vital performance of the Two-Piano Concerto (1932) featuring Poulenc and Jacques Février as soloists, together with a very good recording of *Les Biches* (1923) (EMI CDZB 62690).

Février, whose playing was strikingly similar in style to that of Poulenc himself, can also be heard in another two-CD set devoted to the complete chamber music, featuring the violinist Yehudi Menuhin, the horn player Alan Civil, and various French woodwind players. Included are the important late sonatas for flute (1958), oboe, and clarinet (both 1962) (EMI CDZB 62736).

Robert Shaw, Poulenc's favorite choral conductor, leads the Robert Shaw Festival Singers in the Mass in G (1938) and a representative selection of other sacred works for unaccompanied chorus (Telarc CD-80236).

Dialogues des Carmélites (1956), Poulenc's masterpiece, can be heard in a 1958 performance by Pierre Dervaux and the Paris Opera, in which the starring role of Blanche de la Force is sung by its peerless creator, the soprano Denise Duval (EMI CDCB 49331).

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Books in Review

Balkanizing America

Lift Every Voice:
Turning a Civil Rights
Setback Into a New
Vision of Social Justice
by Lani Guinier
Simon & Schuster. 324 pp. $25.00

Reviewed by
Chester E. Finn, Jr.

RARELY DOES the world pay much attention to the "subcabinet," those hundreds of undersecretaries and assistant secretaries and the like who carry out the day-to-day work of the many bureaucratic units comprising the executive branch of the federal government. Of course, for the individual who is tapped for such a job—I speak from experience—landing it is undeniably a big deal, and the consequences for the hundreds of civil servants whose supervisor he becomes can also be substantial. By the same token, an appointment of this kind can matter a great deal to the cabinet member or agency head who becomes the appointee's boss. Yet the nominations themselves rarely make news or generate controversy beyond Washington's Beltway. Indeed, it has become common practice for Senate committees to "batch-process" nominees in perfunctory confirmation hearings or to skip hearings altogether.

There are exceptions to the rule, although they can be counted on a few fingers. Invariably they involve persons, or positions, entangled with the most fractious issues facing the nation (or at least facing political Washington). The Surgeon General's post, for example, has become joined to the abortion debate and to American sexual behavior in general. Directorship of the Census Bureau periodically becomes controversial because of deep-seated differences over how to enumerate the population for purposes of congressional apportionment. And so forth.

In recent years, however, no subcabinet post has generated more heat than that of Assistant Attorney General for Civil Rights. Only a few months ago, the Clinton White House and the GOP-controlled Senate were deadlocked over the nomination of Bill Lann Lee for this position; the outcome was a "recess" appointment allowing the President's choice to function temporarily in the role without having been confirmed. But even this high-profile dispute does not compare with the one over Bill Clinton's nominee for the same post at the very outset of his first term as President: Lani Guinier, then a professor of law at the University of Pennsylvania and now en route to Cambridge, Massachusetts, as the first black woman to have won tenure at the Harvard law school.

A VETERAN civil-rights attorney and legal theorist, Guinier was nominated for the position of Assistant Attorney General on April 29, 1993; by June 3, her name had been withdrawn from consideration by the White House. During the intervening five weeks, the nation witnessed a spectacular example of what is now routinely termed a "firestorm" of controversy. Famously dubbed a

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"quota queen," Guinier made a high-visibility appearance defending herself on *Nightline*, and saw her views on racial matters become the subject of editorials, columns, and talk-radio shows across the land.

This book is her revenge for what she endured—a bid for vindication and, above all, a move to write the story her way, to control its "spin." Not that she needs to do this to boost her career; rather, it is abundantly clear that her fifteen minutes of celebrity left behind lakes of rancor, recrimination, and the bitterness of dashed hopes, and she means, by putting it on record, to settle accounts.

The drama of this book thus naturally resides in the parts that tell her version of her rise and sudden fall. As might be expected, Guinier bears plenty of animus toward her adversaries on what she terms the "right wing," especially the editorial page of the *Wall Street Journal* and Clint Bolick, a lawyer at the conservative Institute for Justice who did the most to make the country aware of her views on race. She also airs her resentment toward civil-rights (and Jewish) organizations for failing to support her with sufficient vigor. Mostly, though, as an erstwhile Friend of Bill (FOB), whom she had known since law-school days, Lani Guinier is angry at the man who nominated her, by whom she was burned, jilted, and humiliated, and whom she excoriates for spinelessness and lack of integrity.

We learn here, for example, that when Guinier met with President Clinton in the Oval Office to plead her cause, he could not, in a painful hour-long conversation, bring himself to tell her that his mind was already made up. Rather, a few minutes after they parted, he telephoned her with the bad news. He then immediately walked before the television cameras to declare to a nationwide audience, in a statement clearly prepared before their talk, that he had finally gotten around to reading Lani Guinier's writings on civil rights, found them "anti-democratic," and was withdrawing her name.

BUT THE significance of the Guinier episode is not in the window it affords into the character and temperament of the protagonists. No issue in America is touchier than race, and no government practice is more controversial than "civil-rights enforcement," particularly at a time when both public sentiment and court decisions have begun to reject many of the assumptions of the 1960's and 70's. That is precisely why the subcabinet post of Assistant Attorney General for Civil Rights is so important. There are few jobs on the domestic-affairs side of government where the occupant's own ideas have such large consequences.

Lani Guinier has never been one to hide her particular set of ideas under a bushel. In this book she clearly restates her central tenets, all of which were already in the public domain in 1993 and could not have been much of a surprise to the President and his team. A year later, they were restated in her book, *The Tyranny of the Majority*,* the very title of which signals her basic position. For Lani Guinier's career has been largely devoted to waging permanent war against the "tyranny" that, in her view, flows from the workings of American democracy.

Central to her campaign is the belief that our system of "winner-take-all" elections is, in and of itself, undemocratic, for the simple reason that it has never yielded and cannot ever yield adequate representation for minority groups. Since, in Guinier's opinion, the main factor swaying the actions of citizens in the voting booth is a candidate's race, she takes it for granted that there will always be a ceiling—in the nature of things, a very low ceiling—on minority office-seekers. The fact that many black candidates have already been elected from majority-white districts seems not to count for her.

Guinier's conviction that conventional elections are inherently unfair has led her to propose a host of exotic alternatives. A favorite is what she calls "cumulative voting," a variant of proportional representation. Imagine a city-council race with seven seats up for grabs. Under her scheme, a voter would have seven votes to cast. He could plump for seven different candidates, give all seven of his votes to a single candidate, or choose any combination in between. The assumption is that minority voters will cast all their ballots for the minority candidates, rather than spreading them across the entire slate. By this means, each group will be assured representation on the resulting city council.

Some countries do run their elections this way, and so do a few local communities in the United States. At bottom, though, this is a strategy designed for balkanized societies bedeviled by warring factions and hostile ethnic groups, societies in which people have nothing in common that transcends group lines. America is not (yet) such a society—and as Guinier's critics noisily pointed out in 1993, her scheme contradicts several long-established and fundamental tenets of our democracy, including preeminently the idea of one man, one vote.

SINCE PART of the Assistant Attorney General's job is to enforce the Voting Rights Act, Guinier's views on these issues had to be taken seriously. But her position on elections is just the most blatant manifestation of what amounts to a quite radical vision of what American society is and—more ominously—what it ought to become.

In this connection, it is no small irony that Guinier herself is a product of the American melting pot. Her (black) father came from the French West Indies to Boston and to Harvard, where he became a professor of African-American studies. Her (Jewish) mother's parents immigrated from Eastern Europe to the Bronx,

*Reviewed by Linda Chavez in COMMENTARY, June 1994

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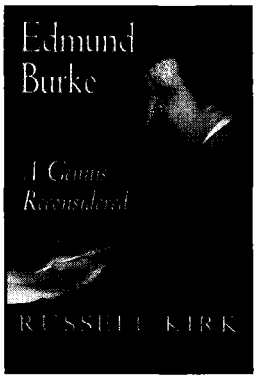

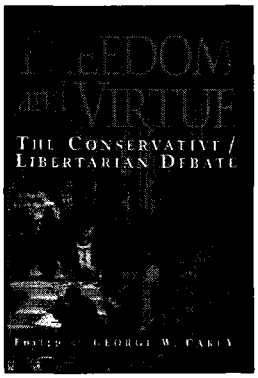

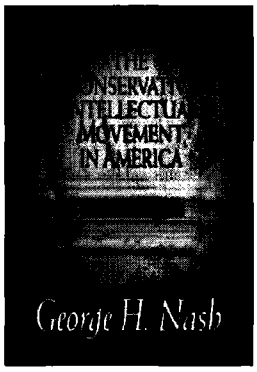

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where they ran a delicatessen on the Grand Concourse. Her parents met in Hawaii during World War II and then returned to New York City, where they lived in polyglot Queens and sent their daughter to an (integrated) public school.

How does Guinier recall that experience? She writes:

> We all ate lunch together, blacks and whites, Italians and Jews, Japanese and Chinese. But when we left school we walked our separate ways to go to our different buses.

When she grew up, separate ways and different buses became her career. Lani Guinier could have devoted herself to the *unum* that is the American ideal. Instead, she opted for the *pluribus*: a lifetime of hammering on the cracks in American society in order to widen them further.

Is this the sort of person Bill Clinton wanted to be in charge of civil rights in his infant administration? From everything we know about the President (and his wife), the answer is very likely yes—at least until he was caught in the act. For even though Lani Guinier's own career in government was derailed, the locomotive chugged on.

Deval Patrick, the man who wound up in her job, had in fact worked closely with Guinier in a myriad of projects, though he had written less and expressed fewer controversial views. On his watch, the course of civil-rights enforcement—including an embarrassing double reversal of the administration's position in the case of the Piscataway, New Jersey, schoolteacher who was fired solely because her skin color was white—was little different from what one supposes it would have been under Guinier. And as for Bill Lann Lee, Patrick's designated successor, he is well-known for his support of quota-style affirmative action.

The demise of Lani Guinier's nomination, in other words, did little to move us toward a color-blind America, or toward a conception of civil rights centered on individuals rather than groups. Nor, it is clear, has she herself reconsidered—much less repented of—the views that led to her defeat. And why should she? After all, she is hardly alone. Those ideas, though expressed perhaps less radically, remain influential in law-school lecture halls, in the grant decisions of giant foundations, in the personnel offices of major corporations, and in the cubbyholes of Washington.

But that is why even the boring stretches of Guinier's book, when she is not vividly describing how her friend the President stabbed her in the back, warrant attention. Although she is profoundly wrong about nearly everything, we ignore her at our peril.

The Word

The Bible As It Was

by James L. Kugel

Harvard. 680 pp. $35.00

Reviewed by
Hillel Halkin

"HOW OBVIOUS," one sometimes thinks of a new idea, thus bestowing high praise on its conceiver, since nothing is so well hidden as the obvious. James L. Kugel, a professor of Hebrew literature at Harvard, has written a praiseworthy book.

Kugel's project, on the face of it, *is* an obvious one. He has compiled and analyzed a large collection of early commentaries on the five books of Moses, or Pentateuch, the latest of which date from the end of the classical period—roughly, the 6th century of the Common Era (C.E.). There are, of course, several anthologies available of ancient rabbinic exegesis of the Bible, and a voluminous scholarly literature besides. Much has been written on how the Christian church fathers read the Bible. Many studies exist of the extrabiblical Apocrypha, of the Dead Sea Scrolls, of the religious texts of the Gnostics, and of the relation of these to the biblical canon, and many others of Hellenized Jewish authors like Josephus Flavius and Philo of Alexandria. But no one before Kugel has thought of collecting a representative sample of all these sources and ranging them alongside the biblical verses they interpret. Now that it has been done, a clear forest emerges where we have tended to glimpse only clumps of trees.

This large body of interpretation, Kugel asserts, reflects a tradition of reading the Bible that was common to nearly all ancient commentators despite the fierce polemical disputes among them. On the one hand, the tradition can be defined by its base assumptions, which Kugel lists as four: the belief that "all of Scripture is somehow divinely sanctioned, of divine provenance, or divinely inspired"; the belief that "Scripture is perfect and perfectly harmonious"; the belief that "Scripture constitutes one great Book of Instruction," so that "biblical figures were held up as models of conduct" and "biblical prophecies were similarly read as relevant to the interpreter and his audience"; and the belief that "the Bible is a fundamentally cryptic document," and that "in place of, or beyond, the apparent meaning of the text is some hidden, esoteric message."

But, Kugel argues, the common tradition goes beyond mere general axioms. In the details of their hermeneutics, too, the ancient biblical commentators shared a large chunk of ground, sometimes because they directly influenced one another and sometimes because they were simply responding to the same textual challenges and problems. By walking us through the Pentateuch

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chapter by chapter and showing us what was said about it by books and authors as various as the 2nd-century-B.C.E. Hellenistic writer Artapanus and the 4th-and-5th-century-C.E. church father Augustine of Hippo; the 2nd-century-B.C.E.-and-onward Sybilline Oracles and the 5th-century-C.E. midrashic work, Leviticus Rabba; the 2nd-century-B.C.E. Alexandrian Jewish dramatist Ezechiel the Tragedian and the 3rd-century-C.E. Gnostic treatise *The Hypostasis of the Archons*, and so on, Kugel repeatedly demonstrates such joint strands of exegesis.

For an example of how he does this, we might take a puzzling passage in Exodus. It occurs after God has revealed Himself to Moses in the burning bush:

> It happened that, at an inn along the way, the Lord met him [Moses] and sought to kill him. But [Moses' wife] Zipporah took a flint and cut off her son's foreskin and touched it to his feet and said, "You are a bridegroom of blood to me," and He left him alone.

As Kugel points out,

> These verses seem completely mysterious. Why, having commissioned Moses to return to Egypt, should God then decide to kill him? And why should Zipporah's circumcising her son . . . have apparently led to God's leaving Moses alone? Even today, most biblical commentators seem baffled by this brief passage.

The first known attempt to make sense of these lines is to be found in the 3rd-century-B.C.E. Jewish translation of the Bible into Greek that is known as the Septuagint. As quoted by Kugel, the Septuagint's rendering of Exodus 4:24 goes:

> It happened that, on the way, in the inn, an angel of the Lord met him and sought to kill him.

This implicitly exegetical version of the biblical text did not necessarily originate with the Septuagint; it may have been current in Jewish circles even earlier. But although it subtly shifts the onus for the attempt on Moses' life from God to an angel, it fails to explain why the latter, too, would have tried to kill the leader of the Israelites. The first recorded attempt to do that occurs in Jubilees, a 2nd-century-B.C.E. book of apocryphal writings whose sectarian Jewish author, clearly aware of the tradition represented by the Septuagint, has a friendly angel tell Moses:

> And you know . . . what Prince Mastema [a wicked angel] desired to do with you when you returned to Egypt, on the way, when you met him at the shelter. Did he not desire to kill you with all his might and save the Egyptians from your hand, because he saw that you were sent to execute judgment and vengeance upon the Egyptians?

Kugel next gives us two 1st-century-C.E. *targum*s or translations of the Bible into Aramaic, which, picking up on the figure of an evil archdemon sketched by Jubilees, refer to him as "the Destroyer" or "the Angel of Death." But to a strictly monotheistic Jew, this would only lead to a new question: why would an all-powerful God have permitted a devilish fiend to attack His chosen servant? And so the next text cited by Kugel is the 3rd-century-C.E. rabbinic tractate of *Nedarim* in the Mishnah, where—the story of Zipporah now entering as well—we read that Moses was being punished for having delayed his eldest son's circumcision. And by way of amplification, Kugel also gives us a midrash from Exodus Rabba which states that Moses was so busy searching for an inn to lodge in that "as a consequence [he] neglected the matter of circumcising his son Eliezer."

Once upon a time, there was a young man named Ken who collected books. Soon, there were so many books, and so little room, that he realized he had to become a bookdealer and move to bigger digs.

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Kugel then observes: "But was Moses really the sort to neglect God's requirements? Given the fact that his father-in-law [Jethro] was a 'priest of Midian,' some interpreters were more inclined to place the blame elsewhere." Whereupon he introduces us to yet another rabbinic commentary from the 3rd century C.E., the Mekhilta of Rabbi Ishmael, in which Zipporah's father Jethro tells Moses:

> "Accept this one condition . . . and I will give her to you as a wife." He [Moses] said: "What is it?" Jethro said to him: "The son that is born to you first will be given over to idolatry [and hence, not circumcised]; those [born] thereafter can be given to the worship of [your] God."

Finally, Kugel adduces a text from the 4th-century-C.E. Christian commentator Ephraem of Edessa—who, evidently familiar with the story given by the Mekhilta (and possibly, I suspect, believing he had found in it a precedent for the non-circumcision of God's faithful), wrote:

> He [Moses] married Zipporah who bore him two sons: one he circumcised, but the other she did not let him circumcise. . . . She thus allowed one to continue in the circumcision of Abraham, while forbidding the other, through whom her father's tradition of the foreskin would be preserved.

Clearly, Ephraem's religious thinking was not the same as that of the author of the Mekhilta. Clearly, too, neither adopted—and very likely, neither was familiar with—the story in Jubilees of the Satanic "Prince Mastema." Yet equally clearly, all three of these sources are situated in a single line of hermeneutic development that stretched over hundreds of years and was impelled by a common set of concerns.

INDEED, KUGEL believes, so pervasive was the interpretive tradition—it actually begins in the Bible itself, where we find later books like Daniel and Ezra commenting on earlier ones—and so greatly did it continue to influence readings of the Bible up to our own time, that there is no longer any possibility of approaching Scripture outside of the tradition's frame of reference. Our modern notion that there is a pristine, "real Bible" waiting to be discovered, if only we can brush away the traditional exegetical scales from our eyes, is illusory. For, Kugel writes,

> the spindly sapling of texts that began to sprout even before the 1st millennium B.C.E. was only enabled to grow into the great date palm of Scripture thanks to the nourishing presence of the ancient interpretations and interpretive assumptions that soon enveloped and strengthened its roots.

The interpretive tradition, in a word, *is* the Bible.

Taken at face value, this assertion, which is intended to nail down Kugel's more modest point about a common tradition of interpretation in the ancient world, would seem an exaggeration. In recent years alone, after all, there has been a great renewal of creative Bible-reading, much of it consciously going against the grain of traditional interpretation and giving readers the satisfying feeling that they are in more direct contact with the biblical text than those who depend on the mediation of accepted commentaries and of the churches and synagogues that base their instruction on them. I can even think of one such modern reading, by the Israeli poet and novelist Pinhas Sadeh, that deals with the selfsame passage in Exodus.

Speculating on the mysterious assault on Moses, Sadeh writes:

> Can it be, strange as it may sound, that God now regrets having revealed Himself to Moses and having sent him on his mission to Pharaoh? Or is God now revealing another side of Himself, not only different from but actively opposed to its predecessor?
>
> Perhaps the Bible is concerned with that side or face of God when it calls Him "a consuming fire," "vengeful and jealous," and when Paul writes that "it is terrible to fall into the hands of the living God." That is the face of God which makes "the hairs stand up on the flesh" of Job's friend Eliphaz when it appears to him in a dream; which reveals itself to Abraham, even while blessing him, as "a great and awful gloom"; and of which Jacob exclaims upon awakening from his dream, "How terrible is this place!" Such infinite, indefinable dread is perhaps the original sense of the phrase, "the fear of God." Man gazes for an instant into the abyss, then shuts his eyes again.

A 20th-century romantic, Sadeh stands the interpretive tradition traced by Kugel on its head. God, in this reading, *did* want to murder Moses—and not because of any guilt on Moses' part. Rather, God as Sadeh understands Him is quite simply loving and murderous at once: such is the existential, amoral, bedrock truth about reality that the pre-interpreted Bible seeks to communicate. And a man who knows this, Sadeh goes on in the language of religious entreaty,

> grows icy with fear. With the coming of the time of the abyss. Yea, You have created that too. And You know and You understand. I pray, then, if only it please You. For there is no other defense. I sue for mercy from God.

And yet, in writing these words, Sadeh is *not* standing outside; not only is he being a biblical interpreter himself, he is squarely within an interpretive tradition, if not the specific one that Kugel has brought to our attention. The notion that God has two alternating aspects, one clement and one terrible, is firmly rooted in classical rabbinic

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midrash, where these manifestations are called *midat ha-rahamim* and *midat ha-din*, the "quality of mercy" and the "quality of rigor." Along these lines, the late-4th-century or early-5th-century-C.E. midrashic compilation of Genesis Rabba includes an exegesis of the verse in Exodus:

> And the angel of God, which went before the camp of Israel, removed and went behind them; and the pillar of the cloud went from before their face and stood behind them.

According to the midrash, this verse suggests that "the quality of rigor" oscillated between the Israelites and the Egyptians, now striking at one, now at the other. God and "Prince Mastema" are one and the same.

In this sense, Kugel is quite right: no matter how we rebel against received interpretation, we are also its creatures and heirs. None of us has Adamic eyes; all are caught in tradition's web. *The Bible As It Was* guides us deftly through a web that turns out to have been far more extensive and ecumenical than most of us would have thought.

Hungry and Lost

Wasted: A Memoir of Anorexia and Bulimia
by Marya Hornbacher
HarperCollins. 298 pp. $23.00

Reviewed by
Wendy Shalit

Marya Hornbacher is just twenty-three. She does not have a college degree, and "technically" she never graduated from high school, but in 1993 she wrote an essay about herself for the *Minneapolis-St. Paul Magazine* that led to an award and eventually to this book. Written in jaunty, direct prose, it tells a story that is heartbreaking.

For most of her life, Marya Hornbacher has suffered from various eating disorders that have caused her weight to fluctuate between a normal 135 and a decidedly abnormal 52 pounds. From her account here, it is easy enough to appreciate why. An only child, Marya was born in California to middle-class, baby-boomer parents whose attention was mostly elsewhere. Her father, a theater director, seems to have had moderately affectionate feelings for his daughter but to have been at a loss as to how to act on them. Her mother, who also worked in the theater, was another matter. According to Marya, she would not breast-feed "because it made her feel as if she were being devoured."

Emotional abandonment seems to have been the keynote of Marya's existence from earliest childhood, when, she recalls, her mother would look at her with what "I would later come to think of as the bug-zapper face, as if by looking at me, she could zap me into disappearance." Mother and child spent their quality time together at a gym with others not so different from them:

> Women bopping around, butt busting and doggie leg-lifting, sweating, wearing that pinched, panicky expression that conveyed the sentiment best captured by [the poet] Galway Kinnell: "as if there is a hell and they will find it." The club also had something called the Kiddie Koral. The Kiddie Koral was a cage. It had bars all the way up to the ceiling, and the sticky-fingered little varmints clung to the bars sobbing for Mommy.

At home, where her mother expected Marya to be "a miniature adult," her parents engaged in persistent "screaming fights in the kitchen about who would go to the grocery store, who was a bigger martyr"; the topic of divorce was frequently in the air. By age five Marya was already convinced that, if she could only "contain [her] body," she might also contain that "crashing tide of self" which seemed to be causing her parents so much irritation. By age nine she had developed the habit of throwing up her meals in the bathroom, "making up a world where my needs would not exist at all."

With the onset of puberty, things got even worse. The family had transplanted itself to the Minneapolis area, living "on the side of town by the public pool, where the mothers worked and the kids were latch-keyed." Marya, disturbed by the pictures of girls in teen magazines—the "shapeless, androgynous models," the "boyish bodies" so unlike her burgeoning own—left a

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note "formally request[ing] some data on the female body and what, *theoretically*, might be happening to mine." Her father's response was to avoid her. She waited a long time to hear from her mother:

> I finally accosted her in the living room and demanded that she take me to buy a bra. . . . Why? she asked. I burst into tears because she couldn't see that I was wiggling and jiggling every which way and what I really wanted was a good butcher knife to chop 'em right off, which I actually threatened to do once.

What came next was years of starving herself until her period stopped (amenorrhea), her eyes turned red from the breaking of blood-vessels while vomiting, and her weight dropped so low that fur started to grow on her face and stomach (the body's natural response when there is no longer any internal heat to burn off). Somehow, through all this, she also entered into sexual activities as disordered as her eating habits. First intercourse came at thirteen: "Why not, since everyone seems to think you're a slut anyway, just prove them right?" She had sex with married men in the backs of buses because she "endlessly found [herself] in identical situations where it was easier to just f--- them than to say no."

Revealingly, though casual sex was effortless for Marya, hugging was "difficult": "the idea of being cared for in a nonsexual way was not something I could understand." The conflict between what she was doing and what she needed left her "perpetually nauseated" and even more self-conscious. Later, in boarding school and then in college, she learned she was not alone. The girls she met—many of them from homes more or less like hers—would "brag of the careless use of our bodies, our common disdain for the boys or men. 'I didn't feel a thing,' we'd say with pride." Yet at the same time the "dorm bathrooms rarely worked because the pipes were perpetually clogged with vomit."

TODAY, THOUGH her health is better, Marya can never have children; if you are 52 pounds as an adult woman and manage to stay alive, it is only because your body has fed on its own organs. Since her immune system is shot, she contracts infections weekly. But she has developed a remarkable understanding not only of her own horrific experience but of a phenomenon to which others have also recently called attention: the legions of girls like her who have turned, as she puts it, "against their own bodies."

Most of these girls, in her judgment, come "from less-than-grounded families"—families where, even if circumstances are not quite so extreme as in her own, the parents are absent or wholly self-absorbed and the children are expected to be adults. In her case, she writes, "this created, quite simply, a hunger for certainty," a hunger that, stymied at every point, finally turned in on itself:

> If you grow up trying constantly to be an adult, a successful adult, you will be sick of being grown up by the time you're old enough to drink.

But the destroyed or perverted relations between parents and children form, one suspects, only one element in the equation. Another is surely symbolized by those "shapeless, androgynous" models that bewildered and disturbed Marya as a pre-teen. Implicitly canonizing a "boyish" ideal of casual sex, they are emblematic of an erotic culture that has "liberated" young girls by leaving them to fend entirely for themselves, bereft of the supports that once confirmed and upheld their separate feminine natures.

The problem, for Marya, is not the "patriarchy"; far from it. "My anorexic body," she writes, "was a confused statement directed more at the world than at my father. . . *an apology for being a woman*" (emphasis added). If anything, the patriarchy, in the form of a stable structure of traditional values, and the protective authority to enforce it, is precisely what she and those she speaks for are missing, and desperately want restored. "At school," she laments, "we were hungry and lost and scared and young and we needed religion, salvation, something to fill the anxious hollow in our chests."

On account of sentences like this one, *Wasted* is the testimony not only of a survivor but of a real counterrevolutionary. Not a moment too soon.

As He Was

The Hitler of History
by John Lukacs
Knopf. 279 pp. $26.00

Reviewed by
David Pryce-Jones

THERE ARE already over 100 biographies of Hitler, and the volume of supporting scholarly literature is immense. It is unlikely that the archives still have anything very significant to reveal about him, his career, or his motives. The evidence, such as it is, is in. In *The Hitler of History*, the Hungarian-born intellectual historian John Lukacs, who has written eighteen previous books on subjects ranging from the cold war to the history of Philadelphia, has had the creative idea of exploring what Hitler's biographers have done with that evidence.

To prepare the ground, Lukacs gives his own thorough and crisp account of what we know about the Fuehrer. Two leading questions in his survey have the lasting power to

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DAVID PRYCE-JONES *is the author of* The Strange Death of the Soviet Empire, *among other books.*

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disturb: what sort of man was Hitler, and why did a civilized people like the Germans follow him? The answers involve a complex interaction of fact and morality, so complex that many people—especially Germans—prefer not to think about them at all, but rather write Hitler off as an evil sorcerer. As against this, Lukacs insists throughout that Hitler is a historical figure, to be assessed by his actions and their consequences.

This means that we must absorb some unpleasant truths about the man. For one thing, Lukacs argues, by the standards of other willing criminals of history, Hitler's intellectual talents were considerable. Though a failed artist, a café daydreamer, and a traditionalist in many habits and ways of thought, the Fuehrer was at the same time a revolutionary, a visionary modernizer, and an "alarmingly effective strategist." He was also, Lukacs writes, "courageous, self-assured, on many occasions steadfast, loyal to his friends and to those working for him, self-disciplined, and modest in his physical wants."

BUT HITLER was inconsistent; dualities in his character abounded, and these, together with discrepancies between his publicly and privately expressed views, endowed him with a malign secretiveness all his own. A mass-murderer, he was personally squeamish. He could invent the figment of "Jewish-Bolshevism" and rant about it at the top of his voice, while at the same time privately respecting Stalin, and, even more contrarily, appreciating him as a fellow anti-Semite. Hitler claimed that the British were racial Aryans who would come around to him, but justified the invasion of the Soviet Union as the only way to destroy Britain for good. A hypochondriac afraid that he would die with his ambitions unfulfilled, he waged a war that ended in his own suicide.

Hitler's Nietzschean belief in the absolute power of the will was driven by hate, which Lukacs considers the "prime element in his character." In more than one speech, Hitler repeated, "There is only defiance and hate, hate and hate again!" And the core element here, of course, was hatred of Jews.

Its genesis remains something of a mystery. In *Mein Kampf* Hitler claims to have slowly, almost reluctantly, concluded that the Jews were in fact what the anti-Semites of pre-1914 Vienna said they were: a deadly menace to civilization. To Lukacs, it seems likely that Hitler's anti-Semitism may indeed have begun in Vienna, but owed more to his experiences in Munich after 1919. Following the Bolshevik model, Communists had seized power there briefly in the postwar turbulence. Their regime included a disproportionate number of Jews who could be blamed afterward for the excesses of a thoroughly frightening revolution.

ALTHOUGH HITLER knew exactly what he wanted, he was always flexible enough to adjust his ideas to circumstances, balancing the purity of his hate against his ability to work his will. In the wake of his failed coup in Munich in 1923, he was, as Lukacs shows, careful to make allies of the conservative middle class, and he employed his rhetorical skills to persuade the masses that they would be safer with him than with the Communists. A revolution made by storm troopers, Hitler had learned, was bound to provoke a counter-reaction—it is far too simplistic to say that Hitler brawled and brutalized his way to power. On the contrary, succeeding through democratic channels, he was able to declare with pride that no statesman had a greater right to call himself a true representative of his people.

And, in fact, the German people for the most part had no great objection to the burgeoning totalitarian apparatus of the state, perceiving it rather as the fulfillment of German nationalism. Although the Night of the Long Knives in 1934 proved that Hitler was quite prepared to kill former close associates if they stood in his way, this was swept under the carpet in the years of triumph that followed. The mass of Germans, as Lukacs puts it, "loved and perhaps even admired Hitler." Lukacs agrees with Joachim Fest, one of Hitler's finest biographers, who has gone so far as to say that if Hitler had died in 1938, few Germans would have hesitated "to name him as one of the greatest statesmen of Germany."

But Hitler did not die then. Three years later, in the autumn of 1941, the war he had unleashed, and which had engulfed all of Europe, had already reached the stage where he realized he could not win it. Ostensibly the crusade to destroy Bolshevism had been central to Nazi ideology; but now Hitler did what he could to present that conflict as a more conventional struggle between nations and cultures. By contrast, he decided at the same time to give full vent to his hatred for Jews. With the Final Solution at least, he could still have his way.

As the war proceeded, he became more disciplined and hard-working, and often displayed sounder judgment than his generals. Not without reason, he believed that a coalition including both the U.S. and the USSR was so unnatural that he could exploit its strains, playing one off against the other. In what is admittedly a minority view among historians, Lukacs contends that the image of a Hitler becoming increasingly fanatic and irrational as he approached the end is a false one.

SUCH, IN a nutshell, is Lukacs's own portrait of Hitler. How, in his historiographical survey, have Hitler's many biographers measured up?

The German émigré journalist Konrad Heiden before the war, and other historians shortly afterward,

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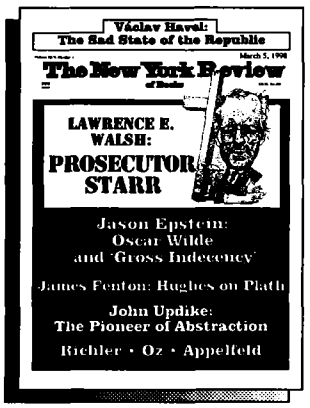

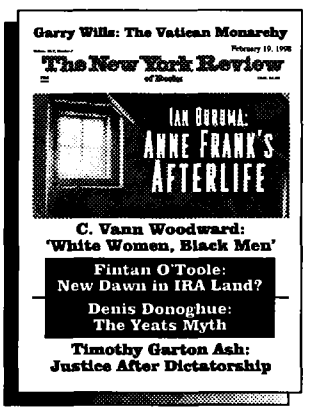

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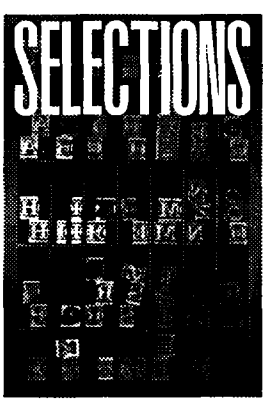

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provided the material that forms the basis of most of what we know about the German dictator. Altogether, as Lukacs demonstrates, the work of these early biographers was done conscientiously, and such errors as have become established are trivial. He specially commends the works of Fest, Alan Bullock, Sebastian Haffner, and Marlis Steinert.

In Germany, a tentative rehabilitation of Hitler began in the 1950's. Many, Chancellor Konrad Adenauer among them, argued that Germany had really been engaged in two simultaneous world wars: a mistaken one against the democracies, and a justified one against Communism. Hitler, in this reading, was merely a premature cold warrior.

By the 1980's, in the much-publicized *Historikerstreit* or "historians' quarrel," this interpretative tendency was amplified. Ernst Nolte, Andreas Hillgruber, and others, all of them professional historians, argued that Nazi crime was relative, a matter of degree. Soviet Communists had been the first to perfect terror as the prime political weapon; Hitler had only employed Communist methods in self-defense. Refining the two-war theory of the 50's, some even argued that Hitler's invasion of the Soviet Union in June 1941 was defensive, an attempt to preempt a Soviet attack (though not a shred of evidence shows that Stalin intended such an attack).

If some in Germany have been at pains to exculpate Hitler, others have gone too far in a different direction, portraying him as a demonic Pied Piper, and the German people as his unwitting dupes. Unconsciously or not, that is what the novelist Guenter Grass did in his international best-seller *The Tin Drum* (1959), a book that more than any other pulled the phenomenon of Nazism away from rational analysis into the realm of mythology. Unhistorical in itself, this demonization of Hitler serves to relieve Germans of responsibility for their behavior, converting them into hapless children or, even more absurdly, innocent victims.

Germans, of course, are not the only ones who have had difficulty coming to terms with the memory of Hitler. In differing degrees, the American biographer John Toland and the Englishman David Irving were the first to express outright admiration for their subject. A routine sort of writer, though persistent in his way, Toland was simply out of his depth in *Adolf Hitler* (1957). Irving, who recently published a nostalgic portrait of Joseph Goebbels, is a different matter. Lukacs cites chapter and verse to show how this writer, "twisting" documentary sources and quoting without references that can be verified, has been so much in the grip of his own imagination that in his work "a discriminating historical reconstruction of Hitler's decisions and purposes hardly exists at all."

EXPOSING SUCH revisionism, debunking its false claims, is only part of Lukacs's aim in writing *The Hitler of History*. While attempting to capture Hitler as he really was, he also means to ensure that any attempt to relativize the unique evil perpetrated by this man will be seen in advance for what *it* is—misrepresentation, wrong and immoral.

A great deal is at stake here. Hitler and National Socialism were destroyed, but countries everywhere have since become nationalist and /or socialist to a greater or lesser degree. Just as Napoleon created a 19th-century order out of the *ancien régime*, so Hitler converted Napoleon's order into the world we have today. Unlike Napoleon, however, he had no nobility in him, being shaped only by "defiance and hate, hate and again hate!" That untempered hate has branded our whole age.

The Great U-Turn

The Commanding Heights: The Battle Between Government and the Marketplace That Is Remaking the Modern World
by Daniel Yergin and Joseph Stanislaw
Simon & Schuster. 457 pp. $26.00

Reviewed by
Gary Rosen

CREDIT FOR the phrase "commanding heights" belongs to V.I. Lenin, who used it in a 1922 speech to describe those strategic parts of the Russian economy over which his still-young revolution was determined to maintain control. By the mid-1930's, the term had made its way to Britain, courtesy of the Fabians and the Labor party, and not long thereafter to India and the Congress party of Jawaharlal Nehru—places where it came to stand, not for a revolutionary vanguard's domination of heavy industry at bayonet point, but for the humane ministrations of democratic socialists.

As actual history of the expression "commanding heights" goes, that is about the sum of it, according to Daniel Yergin and Joseph Stanislaw in their overview of economic thought and practice in our century. Yet they themselves choose to deploy the phrase more widely, making it a rubric for interventionists of every stripe, however modest or extreme their means. As the authors persuasively reason, if not for the "spell" cast over much of our era by the Soviet model, the self-assurance with which governments on every continent have sought to direct economic life would have been unimaginable.

In *The Commanding Heights*, Yer-

GARY ROSEN *is associate editor of* COMMENTARY.

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gin and Stanislaw—the former a Pulitzer Prize winner for *The Prize: The Epic Quest for Oil, Money, and Power* (1991), the latter his partner in an international energy consultancy—trace the course of this enchantment with state control from its first hopeful postwar expressions to its dissolution in recent decades under the relentless pressure of the marketplace and its partisans. It is a grand tale, and they relate it with admirable ambition and energy, even if in the end they fail to do it full justice.

Yergin and Stanislaw's main narrative begins in the aftermath of World War II, at a moment when the industrial powers found themselves on entirely new economic terrain. Still chastened by memories of Depression-era unemployment, and facing daunting evidence of the war's physical and human devastation, they were certain of only one point: that the material needs of their people could not be entrusted to the unfettered workings of the market. Those who believed in private enterprise, crowed the historian A.J.P. Taylor, seemed to have "no more future than the Jacobites in England after 1688."

What emerged, as Yergin and Stanislaw recount, were variations on the "mixed economy." The most favored approach was nationalization, which found capable practitioners in Prime Minister Clement Attlee of Britain, the French master planner Jean Monnet, and Enrico Mattei, the charismatic captain of Italian state industry. In West Germany, economics minister Ludwig Erhard and his "Ordoliberals" opted for corporatist cooperation among business, labor, and government, while in Japan, the redoubtable Ministry of International Trade and Industry (MITI) developed a comprehensive industrial policy. The United States, always the wariest of intervention, rested content with the New Deal status quo of regulation and an open-handed fiscal policy inspired by the universally influential work of the British economist John Maynard Keynes.

For nearly three decades, Yergin and Stanislaw remind us, these government-led economies delivered prosperity in spectacular fashion. Unemployment virtually disappeared, and the swelling incomes of average families brought access to a previously undreamed-of bounty, from cars and appliances to better housing and foreign travel. Even the command economy of the Soviets seemed, through the propaganda and secrecy that enshrouded it, to be thriving, if not in the production of consumer goods then certainly in building up basic industry and—most alarmingly to the West—military power.

By the early 1970's, however, the juggernaut had begun to slow in the U.S. and Europe. The great problem was inflation, driven inexorably upward by growing government deficits, rising social expenditures, and ever-higher labor costs. After the oil crisis of 1973-74, spiraling unemployment exacerbated the slump as the baneful hybrid of "stagflation" spread throughout the industrialized world.

The most dramatic response to this array of troubles came in Britain, where, as Yergin and Stanislaw tell it, the think-tank toil of Keith Joseph, a much-derided Tory Member of Parliament who had been declaring for years that Britain lacked entrepreneurship and needed, above all, "more millionaires and bankrupts," finally paid off in the rise to 10 Downing Street of his student and ally, Margaret Thatcher. With Joseph at her side as Secretary of State for Industry, Mrs. Thatcher faced down the country's powerful trade unions and pushed through a radical retrenchment of the economy, privatizing state-owned industries and reining in the money supply. Roundly condemned at the time, the approach proved tonic, and inspired similar measures across the globe, from the Reagan revolution in the U.S. to the relaxing of state controls in the export-driven economy of Malaysia and the "Great U-Turn" of French socialism under François Mitterrand.

Finally, with the ascent of the market-minded Deng Xiaoping in Communist China during the 1980's, and the collapse of the Soviet bloc shortly thereafter, the command economy lost whatever prestige still attached to it. Today, as Yergin and Stanislaw point out, what were once the world capitals of state planning are now home to a burgeoning class of American-style entrepreneurs. They introduce us, for instance, to Vladimir Dovgan, a maker of consumables whose quality products and cheerful, mustachioed visage (imprinted on every box and bottle) have made him one of the best-known figures in the new Russia—and a far cry indeed from *homo sovieticus*.

Yergin and Stanislaw recognize that the worldwide turn to the market has hardly been painless, and remains incomplete. In nations just years removed from Communism, the transition has brought with it dislocation and graft. In much of the third world, state planning is on the retreat but still enjoys a certain vogue. And, as the current crisis in Asia shows, even the most successful developing nations have yet to create the sort of institutional checks and balances necessary for stable integration into the world economy.

For now, however, as Yergin and Stanislaw see it, the market reigns supreme and governments will continue to transform themselves from "managers" of their economies into "referees." But, they strongly caution in concluding, problems of fairness, national identity, and environmental degradation still lie ahead. The fortunes of statism may yet be restored.

The Commanding Heights brims with personality and incident, and covers the necessary history in a compre-

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hensive and generally satisfactory way. But it is a far from elegant book. Jerking back and forth between eras and places and often repetitious, it moves with a clumsy gait. And though its details can at times be colorful and well chosen, more often they are simply formulaic.

More seriously, the book pauses only reluctantly to deal with ideas. Basic terms like "inflation" and "monetarism" are used as if self-defining, and more complex notions—"aggregate demand," "public-choice theory," "marginal cost pricing"—are given perfunctory treatment at best.

The chief exception in this regard concerns the work of Friedrich von Hayek, whom Yergin and Stanislaw rightly consider the leading thinker in the revolt against statism. Paired with Keynes, whose confidence in the efficacy of intervention is legendary, Hayek speaks in their account for the impossibility of giving intelligent direction to economic life from above. When government decision-making takes the place of the market, Hayek believed, resources are inevitably misallocated, innovation stifled, and economic growth brought to a standstill.

The problem with this presentation of Hayek's views is that it scants their essential aspect, which is political and legal. As Yergin and Stanislaw would have it, the confrontation between market and state basically concerns information, that is, which side *knows* more. ("The problem of knowledge," they say in summarizing Hayek's critique, "defeats central control.") For Hayek himself, however, the confrontation is still more concerned with questions of authority and coercion. The overriding reason state control of economies is "the road to serfdom" is that it vastly expands the opportunities for the governing class to serve its own narrow interests, acting outside the constraints of general and impartial rules.

Yergin and Stanislaw do make an occasional nod to this very real phenomenon. They tell us, for example, about the "capture" of American regulators by the industries they regulate, and, at the other extreme, about the "black Zil and Chaika limousines" of Soviet officials "roaring down the specially reserved central lanes on Moscow boulevards." But such messily political matters are not fundamental to their account; they prefer to stick to the technical side of things.

This no doubt explains their strange insistence that, despite the experience of the last 50 years, the state may soon come roaring back to reclaim its place atop the commanding heights. With all due respect for the vagaries of history, that seems unlikely to happen. Whatever misfortunes may befall the newly liberalized economies of the world, far too many people have learned that political power, even when exercised in the name of public-spirited economic ends, corrupts in direct proportion to the ambition of its reach. It is difficult to imagine that the next turn of the economic wheel will shake so hard-earned a lesson.

We mourn the death of

Eric M. Breindel

1955-1998

friend and fighter,
passionate son of his people,
contributor to COMMENTARY from 1977.

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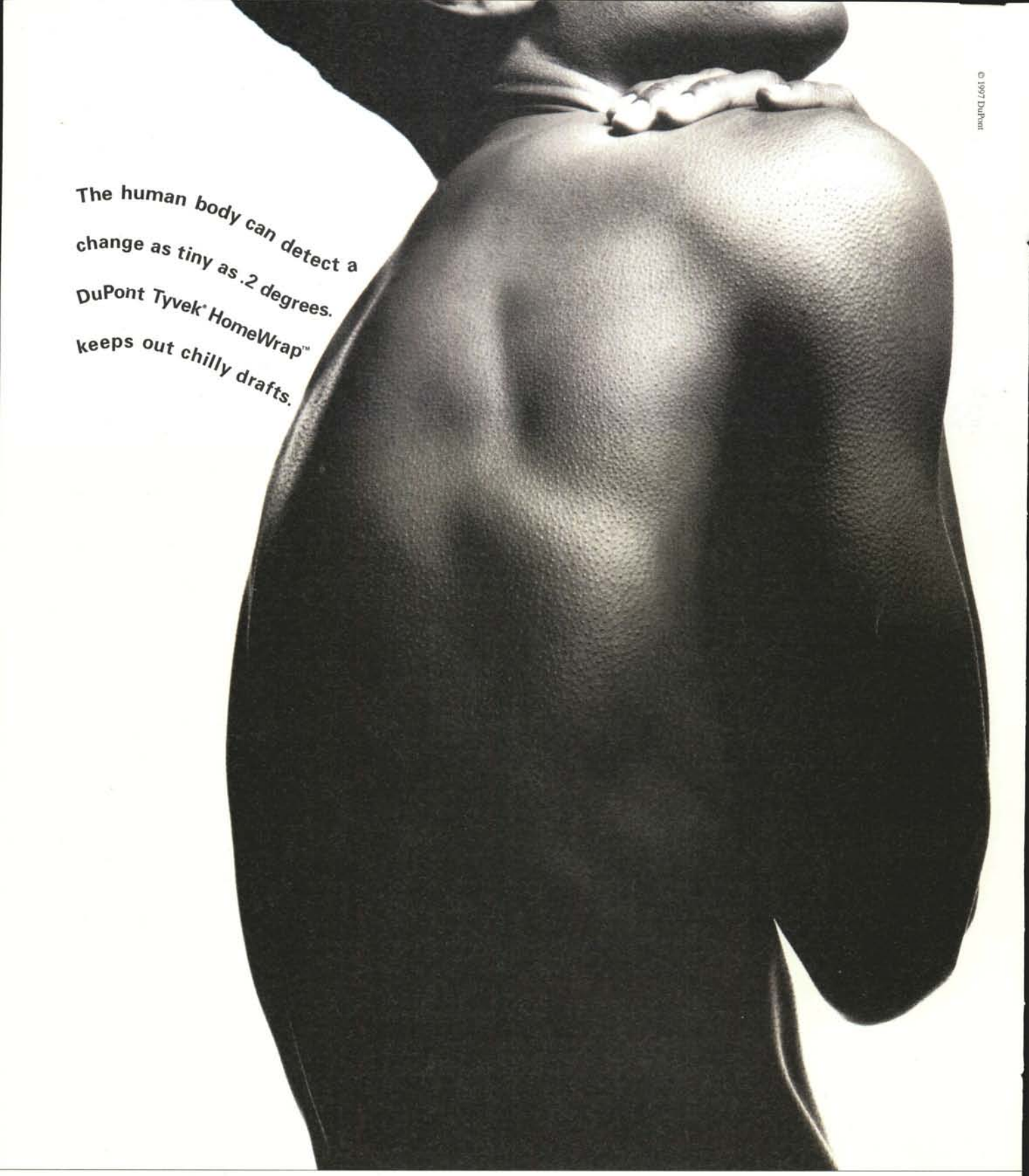

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